The Messages of The Bible

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The Messages of the Bible

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FRANK K. SANDERS, Ph.D., President of Washburn College, Topeka, Kansas, and Professor CHARLES F. KENT, Ph.D., of Yale University

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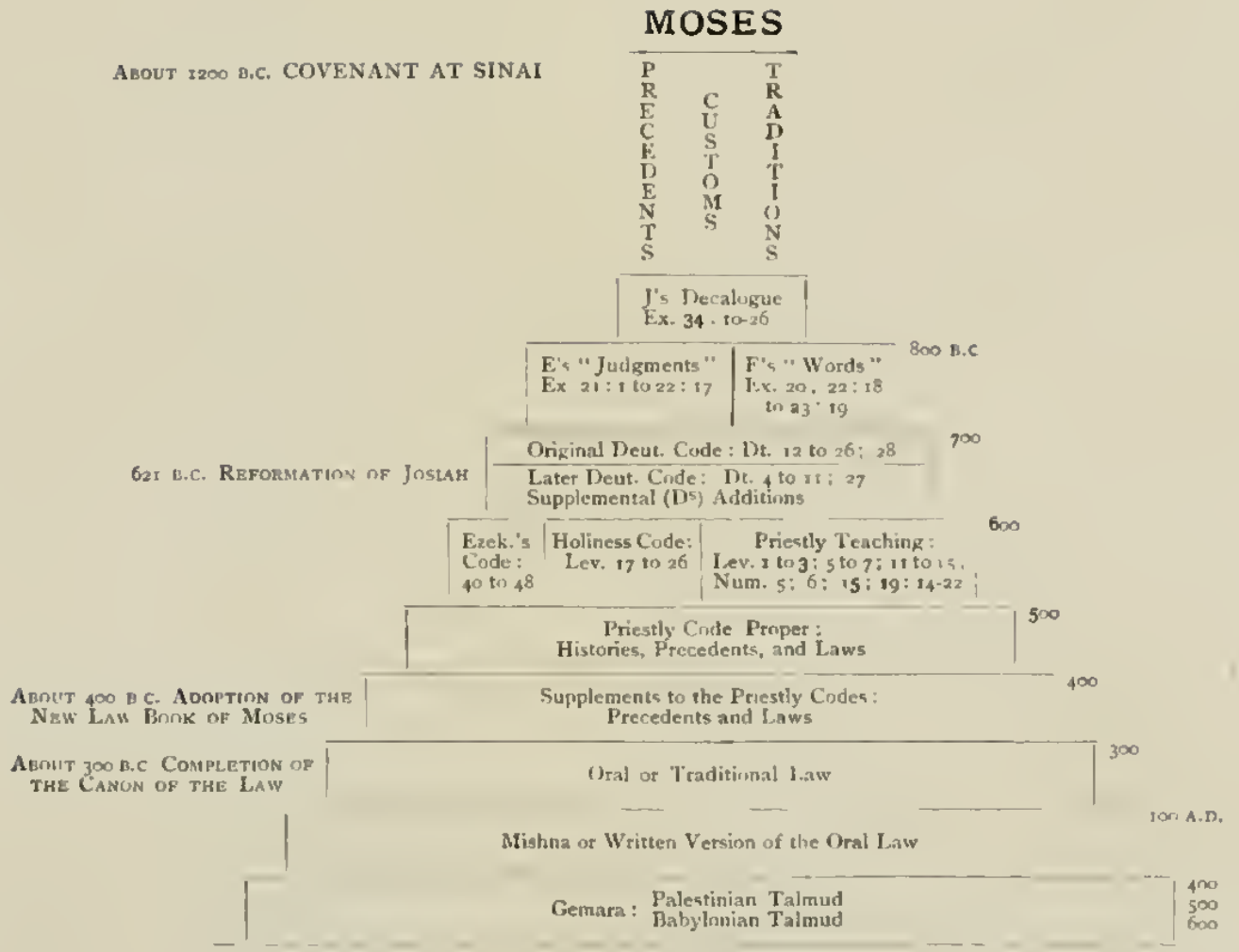
EDITED BY

PROFESSOR FRANK K. SANDERS, PH.D.
formerly of Yale University
AND
PROFESSOR CHARLES F. KENT, PH.D.
of Yale University

VOLUME III.

THE MESSAGES OF ISRAEL'S LAWGIVERS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800 B.C
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THE HISTORICAL DEVELOPMENT OF ISRAEL'S WRITTEN LAW

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THE MESSAGES OF ISRAEL'S LAWGIVERS

THE LAWS OF THE OLD TESTAMENT CODIFIED, ARRANGED IN ORDER OF GROWTH, AND FREELY RENDERED IN PARAPHRASE

BY

CHARLES FOSTER KENT, PH.D.

Woolsey Professor of Biblical Literature in Yale University

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To

MY FATHER

PREFACE

FOR three or four centuries the Pentateuch has been the battle-field on which have fought the champions of the old and new. The long, bitter conflict has not been in vain, for it has made clear to all seekers for truth the real origin, growth, and relationships of the wonderful collections of laws found in the opening books of the Old Testament; but the din and smoke of battle have hitherto almost completely concealed their content and true significance. Attention has been focused upon questions of date and authorship and the vital messages of the individual laws have been overlooked. The aim in the present volume is not to fight over again a battle which has become a theme for the historian nor to recite the epic of pentateuchal criticism. Its established results, however, are accepted as the foundation upon which is based the positive reconstruction. In concise form the conclusions of modern scholarship regarding the origin, growth, date, and authorship of the different laws and groups of laws are presented and made accessible to the general Bible student who has neither the time nor inclination to enter the maze of technical pentateuchal discussion. The chief aim, however (in common with the other volumes of this series), is to

bring out into clear relief the great facts and principles which constitute the real message of Israel's lawgivers, and to provide a practical, systematic basis for the study of Old Testament institutions.

Our forefathers were earnest, devoted students of the "Laws of Moses." No portion of the Bible commanded more of their attention. But with the passing of the symbolic method of interpretation, which found in every ceremonial institution a profound spiritual meaning or prediction, and with the advent of scientific biblical criticism, there has come a marked reaction. The prophetic decalogue of Exodus 20 (Dt. 5) still holds a prominent place in the thought of Christianity, but otherwise the pentateuchal laws are now little studied. In the actual working canon of the ordinary biblical student the majority of them find no recognition. Together with Lamentations, the genealogical lists of Chronicles and the more obscure passages of the prophecies, they are, as a matter of fact, quietly ignored. In general this is as true with those who still jealously guard the traditions of Mosaic authorship as it is with those who accept the more recent conclusions regarding the Pentateuch.

The question may be appropriately raised whether or not the prevailing neglect of the Old Testament laws is justified by the facts. Obviously, as in the case of the Bible as a whole, the question must ultimately be answered on the basis not of any traditional claim to author-

ity but of intrinsic merit. Have they a practical message for the present age and a value unaffected by time and change? In endeavoring to interpret their thought into modern language, I have aimed to give a concrete answer to this vital question. It is manifest that the various laws have different values. Some possess simply an historical interest. They represent the scaffolding reared for the upbuilding of the Israelitish nation and faith, or—to use Paul's figure—they correspond to the pedagogue, the trusty slave, who attended to the moral education of the youthful race. Other laws represent those developing institutions which constitute the flesh and blood of Israelitish history, and therefore possess a perennial interest for all who would know that marvellous history in its true character. The laws, chronologically arranged, furnish a complete epitome of the growth of Israel's moral standards. The institutions and usages of Judaism are also the background of early Christianity. The Old Testament laws will, therefore, never cease to have an ever-present value, because they are the chief guides to a perfect understanding of the two most important religions which have ever touched the heart and moulded the life of humanity. Moreover a large proportion of the laws themselves possess an independent value, for they are the concrete expression of the most profound religious ideas that have ever stirred men to right thought and action. The principles of justice, uprightness, and mercy are applied in

direct, practical form to the life of the individual and of organized society. The spirit of devotion and genuine humility, the sense of dependence upon God, the necessity of true and open confession of sin and the craving for forgiveness and perfect harmony with the Divine are all forcibly and constantly emphasized. The practical value of the laws is the greater because they are the outgrowth of universal human experience and therefore marvellously suited to the conditions and needs of humanity. The fact that many of them represent intermediate stages in the process of moral evolution explains their adaptation to the wants of those whose ethical culture is only partially complete. The childhood of each individual is very similar to that of the race. That system which guided the Israelites from gross heathenism to the pure worship of the one God, certainly has a noble mission to-day. Through the Old Testament laws, as well as through the perfect teachings of the Christ, God still speaks to mankind, revealing his will and the definite ways in which it may "be done on earth even as it is in heaven."

In their present form they are like the maxims in the Book of Proverbs, thrown together in perplexing confusion, with only an occasional indication of anything like an attempt at systematic arrangement. This characteristically oriental method of grouping undoubtedly further explains their present neglect. Maimonides, the great Jewish scholar, made a partial classification of the Talmudic

laws; but strangely enough no scholar, Jewish or Christian, appears hitherto to have attempted to apply occidental methods of classification to the Old Testament legislation. While the present work has been in preparation, a brief grouping of these laws and institutions has appeared in the appendix (pp. 222-254) to the first volume of *The Hexateuch* by Carpenter and Harford-Battersby. In the system of codification which I have adopted, kindred laws have first been grouped together and then, in order to bring out the historical development of each institution, those in each group or sub-group have been arranged in chronological order under the three general headings: **Primitive, Deuteronomic, and Priestly Codes.** Later supplemental additions to each of these main codes have been distinguished by the use of smaller type. Repetitions have as far as possible been avoided; but when it has been found necessary, in order to present a complete conspectus of all the Old Testament enactments, relating to each subject treated, a few laws have been introduced twice and, in certain cases, three times.

The field represented by this volume is in itself vast and leads to many others equally fascinating. Limits of space have made it impossible to realize my original plan of carrying the classification into the still broader territory of rabbinical literature. On the other hand the temptation has constantly been strong to devote much attention to the origin and history of Israel's institutions. In an inde-

pendent volume I hope some time to make a comparative study of Semitic laws and judicial systems. To my students in Brown and Yale Universities, and especially to the Reverends Frederick Lent, M.A., and Edgar Laing Heermance, M.A., who have critically followed the codification of the laws in connection with class-room work, I am indebted for valuable suggestions.

C. F. K.

YALE UNIVERSITY,
July, 1902.

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INTRODUCTION

INTRODUCTION

I

THE GROWTH OF ISRAEL'S LAWS AND INSTITUTIONS

"First the blade, then the ear, and then the full corn in the ear" is an epitome of the history of Israel's laws and institutions. They gradually unfolded, as new conditions and needs arose and as new principles of action were revealed to the consciousness of the nation. Three distinct stages of development may be distinguished. The first is the nomadic, during which the Israelites lived the life and followed the customs of the tribes which still range with their flocks and herds up and down the deserts to the east and south of Palestine. Their primitive mode of existence demanded and made possible only the simplest institutions. Their tribal organization insured the observation of the few firmly established customs, which were the forerunners of law. Of written codes they had no need and but scanty means of preserving them.

The three stages in Israel's institutional history

(1) The simple, nomadic

The conquest of Canaan, by alliances and intermarriage with the native population as well as by the sword,

(2) The agricultural and national

marks the important transition to the second, the agricultural stage, in which the Hebrews became a settled people with a permanent place of abode, where they were able to crystallize into an independent nation. Under the radically changed conditions, earlier customs were cast aside or else modified. Written literature became a possibility and a necessity, as the social and religious life of the nation became more complex and the laws regulating it multiplied. Powerful influences from without and active forces from within hastened the growth of political and social institutions. It was naturally during this period of marked national development, which continued until the Babylonian exile, that most of Israel's penal and civil laws attained their final form.

(3) The exilic and ceremonial

The exile and the succeeding centuries, which brought to the Jews no deliverance from foreign bondage, checked the development of secular and accelerated the growth of religious institutions. The third stage, therefore, in Israel's history was in many ways unique. The nation was bound hand and foot. As a result its attention was intently fixed upon its past and upon its future, both of which it idealized. Its energy was devoted to expanding the ritual and the ceremonial laws, whereby it sought to win Jehovah's favor and to secure the realization of its ideals. The thought and activity of the race was centred in the temple and its service. The hierarchy, which presided over it, absorbed in fact, as well as in the minds of

the people, the prerogatives once enjoyed by the monarchy. So highly were the ceremonial institutions and laws of this later period esteemed that they were thought of as ever-existent, and therefore supported by the authority of the revered past and especially by that of the traditional founder of the nation, whom later generations—not without reason—came to regard as the father of all Israelitish law.

Influence of earlier Semitic civilizations upon Israelitish institutions

In order rightly to understand the growth of Israel's institutions it is also necessary to remember that the Hebrews were among the youngest of the Semitic peoples, and therefore the inheritors of at least twenty centuries of earlier civilization. The magnitude of their debt to the nations which antedated them and became their teachers is undoubtedly far greater than has hitherto been imagined. Most of the institutions and laws recorded in the Old Testament can, in the light of modern historical investigations, be paralleled by examples drawn from ancient Babylonia, Egypt, or Phœnicia. Especially is this true in the case of ceremonial usages. The rite of circumcision, the sacrifice of the firstlings, of the first-fruits, of certain clean animals, of unleavened bread, and of incense, the use of arks and altars in the sacred service, and the observation of certain annual festivals all appear to have been practised long before the days of Moses. The uniqueness of Israel's legislation is to be found not in the form but in the spirit and content of the individual institu-

tions. That the Israelites derived many of these customs from the older Semitic peoples, with whom they came at different times into intimate contact, is clear in the light of history. In common with the other nomadic inhabitants of the desert, they inherited most of those which obtained among them during the first stage of their history from their Semitic ancestors, who from prehistoric times had found their home in Arabia. When they became masters of Canaan, the half-civilized conquerors were taught by the conquered Canaanites, who for ten centuries had been absorbing the civilization of Babylonia and Egypt. After the old Canaanitish population had been completely assimilated, their kinsmen, the Phœnicians, remained to instruct the Hebrews not only in the arts of architecture and literature, but also—as the sermons of the pre-exilic prophets clearly demonstrate—to initiate them still further into the rites of their debasing religion.

Early Semitic ancestors

Canaanites

Later the Assyrian conquerors of Palestine brought thither highly developed alluring religious customs and ideas, which they always sought to impress upon the conquered and which the Hebrews were not slow in imitating and adopting. Ahaz, for example, did not hesitate to change the form of the great altar at Jerusalem to make it conform to a style which he had seen while paying court to his Assyrian master at Damascus, and to introduce other radical innovations in the ritual of the

Assyrians

temple (2 K. 16). Manassah went so far as to institute not only the ceremonial forms but also the worship of the gods of the Assyrians.

Babylonians

Writers like Ezekiel show that the imposing ritual of Babylon, a century and a half later, made a deep impression upon the minds of the Jewish exiles. A comparison of the usages of the Jews and Babylonians reveals the extent of the influence which was then exerted upon the still plastic ritual of Israel. The result was a composite, including elements old and new, native and foreign. Hence as the heir and disciple of the most advanced nations of antiquity, Judaism in time possessed a body of institutions greatly diversified.

Influences from within: developing moral consciousness

From within the nation, however, came the powerful influences which made Israel's laws a guide and inspiration for all later ages. Its history abounds in illustrations of the developing moral consciousness of the race. An early age looked with complacency upon the slaughter of captives in war (1 S. 15 : 18; 2 S. 8 : 2), while a later condemned it, even if the offenders were heathen (Am. 1). The law, "An eye for an eye," of the primitive period was supplanted by the command to love and serve even an enemy (Lev. 19 : 18). In the earlier days resident aliens enjoyed little protection; but in the latest Israelitish laws they are admitted to full political and religious rights, and the Jews are commanded to love them as they do themselves (Lev. 19 : 34). The lot of the slave was also

constantly ameliorated, as the moral standards of the nation were raised. While these substantial advances were shared in part with other contemporary nations, the Israelites appear to have been the pioneers in developing these humanitarian motives.

Teachings and work of the prophets

Underlying all that is new and progressive in Israel's institutions, are the revolutionizing principles enunciated by its prophets. They represented the enlightened conscience of the race. Through their receptive minds Jehovah brought to expression messages, which he was gradually revealing to the heart of the nation.

As a rule a new principle must first be formulated by some individual or group of thinkers, and then adopted by at least the leaders of the people before it is incorporated in national institutions and laws. The first stage is in many ways the most important. Truth, clearly proclaimed, sooner or later commands popular acceptance. Once generally recognized, it inevitably moulds institutions. Laws represent the exact formulation and application of principles to specific conditions. The work of both is essential to the development of a nation, but that of the prophets calls for rarer and diviner qualities than that of the lawmakers. The prophets were ever struggling to attain absolute truth, or, as they would have expressed it, to know completely the character and will of the Divine and to realize it in the life of their nation. Personal interests, recognized authorities, and established

Relation of the work of the prophets to that of the lawmakers

traditions could not divert them from their noble aim. The men, however, who formulated Israel's laws were more or less influenced by all of these forces. A law to be effective cannot ignore existing conditions. Precedents must also be regarded. The Orient has always been tenacious of existing customs, and the Israelites from the first were possessed of a body of institutions inherited from the Semitic past. An historical study of their laws demonstrates that progress was usually made by modifying rather than by abrogating existing usages. The influence which led to this modification is almost always traceable to the teachings of the prophets. Ezekiel represents the combination of both prophet and lawmaker. First by word of mouth and by written tract he proclaimed Jehovah's holiness and his gracious purpose to be realized in the history of the race; then he embodied these truths in a system of laws (Ezek. 40 to 48). Many old institutions reappear in the same or slightly modified form; while the laws as a whole aim to emphasize concretely and objectively the prophetic principle that Jehovah is holy and demands the homage of a holy people.

Divine element in the law

Thus in all Israelitish legislation the two prominent elements are (1) usages inherited or else derived from other peoples, and (2) prophetic doctrines, practically applied or illustrated. Underlying all the legal systems of the Old Testament are a few principles which constitute their "spirit." Later Judaism made the fatal mistake of

losing sight of this in its zeal for the "letter." In the ultimate analysis the permanent value of Israel's laws is found in the divinely revealed truths which they vividly and forcibly present.

The origin and growth of law

Analogies drawn from the history of other primitive peoples and indications found in the Old Testament suggest the detailed process whereby Israel's oldest laws came into existence. The Hebrew word for law, *torah*, comes from a root originally meaning to throw or cast, and then to direct or point out. It therefore at first meant a pointing out, a direction, an authoritative decision, rendered in the name of the deity and probably determined by the use of the sacred lot or arrows. Hence the directions or decisions, given by ancient judges who consulted the deity or else represented him, constitute the original germ of all Hebrew legislation. This conclusion is established by the history of the other synonym for law, *mishpat*, which originally designated an individual decision, then a decision later regarded as a precedent. In time the word was also used to designate a custom, and finally a law. It suggests the successive stages in the growth of a law. As questions of dispute arose they were referred to the authoritative judges: elders, chieftains, kings or priests. Naturally their decisions became precedents, and after the same decision had been repeatedly rendered in similar cases, it established a custom. Custom readily attained the authority of a law.

The final stage was reached when causes became effective which led to the preservation of the law in written form. These processes can be clearly traced in the history of most primitive peoples (cf. Maine, "Ancient Law," p. 4 f.).

Illustration of the origin of law

One of the oldest prophetic narratives of Exodus (18 : 13-27) illustrates this process and also throws clear light upon the exact nature of Moses' relation to Israelitish legislation. It represents him as beset from morning until night by the Israelites, eager to secure from him authoritative decisions regarding the many questions of dispute which arose among them. To his father-in-law he declared: "The people come to me; and I judge between a man and his neighbor and I make them know the statutes of God and his directions (*toroth*)." By these verbal decisions Moses was establishing precedents which naturally constituted the basis of later customs and laws. At the suggestions of Jethro, he appointed to judge ordinary cases, which could easily be decided in harmony with precedents already laid down by him, reliable men familiar with the principles of justice. "Hard cases," which could not be judged in the light of precedents, were still referred to him. Jethro's advice to Moses in this connection reveals both the theory and fact in regard to the origin of early law: "Be thou for the people to Godward (*i.e.*, stand as God's representative), and bring thou the causes unto God; and (thus) thou shalt teach them the statutes

and directions (or laws, *toroth*), and shalt show them the way wherein they must walk, and the work which they must do." Thus the oldest sources imply that in this concrete form, through decisions, called forth by questions which were constantly arising among the people, Moses taught them "the statutes and laws" which were to guide them in their individual and national life. The representation is in perfect harmony with the character and work of the great prophet-leader, as portrayed elsewhere in the oldest traditions and confirmed by the course of later Israelitish history. It is also consonant with the conditions which prevailed during the first stage of the nation's development. Before their leader cases were naturally laid for arbitration, precisely as they were referred in later Hebrew history to Saul and David, or as they are to-day in the desert brought before the head of the tribe. The fact that Moses was a prophet and also the guardian of Jehovah's oracle enabled him to judge with God-given authority. Precedents established by him and the usages which were based upon them were regarded as coming directly from Jehovah. Naturally, when in time these principles and usages were recorded in written laws, adapted to later conditions, they were all considered to have been revealed by Jehovah through Moses. It was perhaps inevitable that later generations should express this belief in naïve and impossible forms and represent the great leader as presenting in its completeness

Moses' relation to the law

Later tendency to attribute all laws to him

the entire system of legislation with its various codes, adapted to the conditions peculiar to succeeding ages. The Old Testament and extra-biblical literature contain many analogies. Solomon is designated in the opening verses of Proverbs as the author of the entire book, although it contains repeated statements that it represents the work of many other wise men who lived centuries after the days of the king who figured in tradition as the patron of all wisdom literature.[1] Similarly a late Jewish writing bears the title "Wisdom of Solomon," although no one seriously maintains that he was its author. The Book of Ecclesiastes with its implication of Solomonic authorship is another illustration. The corresponding tendency in succeeding generations to attribute all the psalms to David is well known, although the tradition is not supported by the testimony either of the superscriptions or by the internal evidence found in the psalms themselves.

Other analogies

The tradition, however, which associates the name of Moses with Israelitish legislation as a whole, appears to rest upon a very substantial basis of fact. Far greater is the work of the man who makes history than that of the man who merely records it. The effective proclaiming of new principles is much more important than the embodying of the same in detailed laws. Until a nation is created, it can have no permanent institutions and legislation. As

Basis of fact underlying the tradition of Mosaic authorship

[1] Kent, *Wise Men of Ancient Israel and their Proverbs.*

the inspired leader, who evolved a nation out of the horde of serfs in Egypt and the antagonistic desert tribes, Moses was in a very real sense the father of Israel's institutions and laws. Furthermore, as a prophet, he appears to have enunciated the germinal principles which underlie them and, as a judge, he practically applied these to the problems of individual and national life, thereby establishing precedents, which soon crystallized into customs and then became the basis of later legislation. Whether or not he actually formulated any of the many laws found in the Old Testament will probably never be absolutely proved or disproved. The question is unimportant. We do not possess a written word from the Founder of Christianity. The essential fact is that Moses called into being forces that ultimately produced Israel's laws and in a most concrete manner established the guiding norms according to which they were to be shaped. While modern biblical students cannot accept all the theories set forth by later Judaism regarding the detailed methods in which the Old Testament codes came into existence and assumed their present written form, they unite[1] in recognizing the great importance of the work of Moses, and that the term "Mosaic," as applied to Israelitish legislation, emphasizes a real and vital truth.

[1] For Professor Cheyne's theory, which on exceedingly doubtful grounds would make Moses a tribe rather than an individual, cf. *Encyc. Biblica*, iii., 3203-19.

II

THE RECORD OF ISRAEL'S LAW

Present literary setting

The legal material of the Old Testament is found in its first five books, interwoven with ancient songs, prophetic traditions and glowing exhortations. It consists of decalogues, disconnected laws, developed codes, traditional precedents, and histories of the origin of institutions. Its present literary setting is the result (1) of the later tendency to associate all laws with the name and age of Moses, and (2) to the fact that the canon of the law was first to be formed. That the five books which constitute the Pentateuch are a literary composite, including varied material drawn from many originally independent sources, is now widely recognized.[1] This discovery contributes greatly to the understanding and appreciation of their real value. Embedded in their later setting are long and exceedingly valuable extracts from ancient histories of Israel. The oldest, that usually designated as the Jehovistic (J) because it employs Jehovah as the name of the deity, is from the hand of a prophet or group of prophets.

The oldest prophetic histories of Israel: Jehovistic

[1] For the detailed reasons, cf. McFadyen, *Messages of the Prophetical and Priestly Historians*, 5-20; Carpenter and Harford-Battersby, *The Hexateuch*, I.; Driver, *Introduction to the Literature of the Old Testament*, 6th ed., 1-99.

The style is flowing, picturesque and concrete—that of the popular story-teller who seeks to hold the attention of his readers. At the same time in the choice of material and in the exalted religious lesson which each incident teaches the prophetic purpose is revealed. Interest centres in Judah, indicating that the authors of this connected group of prophetic narratives lived in the southern kingdom; and internal evidence points to the period between 850 and 800 B. C. as the date at which they lived and wrote. Closely corresponding in style, point of view and aim, and yet sufficiently different to be clearly distinguished, are the quotations from the parallel northern Israelitish prophetic group of narratives, which sketch Israel's origin and life as a nation from the patriarchal period to the conquest of Canaan. Because of the prevailing use of the term Elohim to designate the deity, it is called the Elohistic prophetic history, and comes apparently from a slightly later period (about 750 B. C.). Distinct and yet analogous in style, theme and purpose is the third prophetic group of writings (D) now found in the Book of Deuteronomy. Here the small group of laws incorporated in the earlier prophetic histories (JE) are expanded so that in quantity they surpass the narrative material.

Elohistic

Deuteronomic

Priestly

In the fourth and latest continuous history of Israel, the legal style and point of view succeed the prophetic. In the later period of Jewish history from which it

comes, the priest attained to the position of commanding authority formerly held by the prophet. Hence it is called the priestly history (P). All interest is centred in the law. The comparatively meagre narrative material for the most part consists either of histories of legal institutions or else of the traditional settings given to important codes. In this priestly group of traditions and laws the work of many different writers can be recognized. It is the literary product of the distinctively legal and ceremonial period which began with the destruction of the Hebrew monarchy and temple by Nebuchadrezzar in 586 B. C. and continued until the completion of the canon of the law after the days of Nehemiah. Extracts from it are incorporated with those from the Jehovistic and Elohistic prophetic histories in the books of Genesis, Exodus and Numbers; while it furnishes all the material found in the Book of Leviticus.

Basis of the chronological classification

Fortunately, as the result of two or three centuries of careful consideration of the cumulative evidence, critical scholars of all Christian lands are in practical agreement regarding the analysis of the Pentateuch into its original component parts. In this volume these conclusions are adopted as a working basis. For the detailed evidence, linguistic, historical, literary and religious, which in each case has determined the division, the reader is referred to the standard works described in the Appendix.

A classification, similar to the one attempted in this

Evidence that the Pentateuch contains several distinct codes coming from different periods

volume, is the most conclusive proof that the laws of the Old Testament come from many different writers and periods of Israel's history. The legal books record its institutional and ceremonial life, precisely as the historical present the political, and the prophetic the inner social and religious development of the nation. Israel's religion and institutions developed gradually and progressively; so also its laws. The differences and inconsistencies, which appear when the different laws are compared, are the indisputable evidences of life and growth. The same enactments, expressed in precisely the same terms, are sometimes repeated twice and even three times (*e.g.*, cf. Ex. 23 : 19b; 34 : 26b; Dt. 14 : 21c). This otherwise inexplicable phenomenon is fully explained when it is recognized that they were incorporated in originally distinct codes, which later editors have introduced partially or wholly into the present version of the Pentateuch. Many examples are also found of the same legal principle expressed in slightly different language, precisely as the gospels present variant versions of the teachings of Jesus. In other cases a simple law is elsewhere expanded so as to apply to a variety of specific conditions. The clearest evidence that the pentateuchal legislation contains independent codes, representing different stages in Israel's ethical and religious development, is found in those laws which declare illegal, usages recognized as legitimate or else commanded in earlier enactments. Thus the older

prophetic narrative represents the patriarchs as offering sacrifices at many different places (*e.g.*, Gen. 12 : 7; 13 : 4; 26 : 25; 31 : 54) and of thereby winning Jehovah's approval. Exodus 20 : 24 commands, "An altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings, . . . ; in every place where I cause my name to be remembered I will come unto thee and bless thee." The law still further enacts that an altar of unhewn stone may be substituted for the earth-altar. Almost every detail of this law is set aside elsewhere in the Pentateuch. Throughout Deuteronomy 12 and following the command is distinctly and repeatedly laid down that only in the holy habitation which Jehovah chooses as his own, that is at the temple, may sacrifice be performed. All sacrifice at the other sacred places where he "has caused his name to be remembered" is expressly forbidden (Lev. 17 : 5-7). Furthermore the altar at the sanctuary was to be made not of earth or unhewn stone but of wood overlaid with bronze (Ex. 27 : 1-8). Priests, not the offerers, also play the most important rôle in presenting the various sacrifices to Jehovah (Lev. 1 to 7). The later distinction between the priests and Levites is unknown to a large body of laws, which evidently come from a period in Israel's history previous to the Babylonian exile, when that division was first instituted. Striking differences of style and vocabulary likewise distinguish certain laws and groups of laws from others.

Gradual development of Israel's written laws

Guided by these many indications and by the evidences in Israel's history of a gradual unfolding of institutions, it is possible, not only to recognize the different groups of laws or codes, but also to determine their approximate order and dates. Repetitions and contradictions find their complete explanation and interpretation when once the laws are classified chronologically. The acorn is very different from the oak, but both are forms of the same life. Thus the law restricting sacrifice to one place was the natural outgrowth, under the influence of new principles and needs, of the primitive enactment which assumed the legitimacy of many altars. In Israel's legislation the divine purpose was gradually and progressively revealed even as in its history and institutions. The message is all the more effective because presented in a manner supremely divine and yet intelligible to the human mind; through scores of inspired men rather than through one; and during eight centuries rather than in one generation. No less than the Jewish editors, who gave the Old Testament laws their present setting, do modern students of human history and God's universe recognize that he "moves in a mysterious way his wonders to perform."

Sources of their authority

It is, however, not merely the attestation of Moses, but the truth of the principles which they contain and their application to human life, which give a divine authority to the laws of the Old Testament. The freedom with which Jesus condemned certain of them, as for example

the primitive law, "an eye for an eye and a tooth for a tooth," and endorsed others shows clearly that he recognized that they represented a progressive development, not altogether complete. His statement that he came not to destroy but to fulfil, that is to make the law perfect and complete, implies its incompleteness. He set an example to all later searchers for truth in emphasizing, not the traditional authority, but the intrinsic value of each individual command.

III

THE PRIMITIVE CODES

The earliest motives which produced written laws

Among the Hebrews, as among all primitive people still in the nomadic stage, custom and the privilege of referring difficult questions of dispute to Jehovah through their prophetic or priestly judges satisfied all popular demands for law. The character of Israel's oldest codes and the conditions of the early period indicate that the need for written laws was comparatively late and felt first by its teachers and judges rather than by the nation as a whole. Analogous motives and results might be traced in the history of other ancient nations. Concise and easily remembered laws furnished the most effective method of impressing upon the minds of the people cer-

tain fundamental principles and provided the surest guarantee of their universal application. Possibly they were first simply inscribed upon the popular memory and not until later generations committed to writing. Deuteronomy 27 : 11-26 contains a good example of this method of inculcating moral principles. Before the assembled nation the priests were to pronounce a curse upon anyone committing certain specific crimes, like making graven or molten images, or removing a landmark, and the people were to respond, " Amen." As soon as writing became a common medium of communication fundamental commands of this character would assume literary form. Since ten (including fractions and multiples thereof) was a favorite unit with the Hebrews, these appear as decalogues, groups of ten brief, sententious commands.

The oldest decalogue

It is natural to look for the earliest laws in the oldest source, the Jehovistic prophetic history. As might be expected, the amount of legal material therein contained is small. In Exodus 34 : 10-26, however, a Jehovistic writer has preserved a decalogue, the contents of which confirm the implication of its setting. In its simple form, divested of what appears to be later explanatory and hortatory additions, it reads :

1. Thou shalt worship no other God.
2. Thou shalt make thee no molten gods.
3. The feast of unleavened bread shalt thou keep.

4. Every firstling is mine.
5. Thou shalt not appear before me empty.
6. Six days shalt thou work, but on the seventh thou shalt rest.
7. Thou shalt observe the feast of weeks and of ingathering at the end of the year.
8. Thou shalt not offer the blood of my sacrifice with leaven; nor shall the fat of my feast be left until the morning.
9. The best of the first-fruits of thy land shalt thou bring to the house of Jehovah, thy God.
10. Thou shalt not seethe a kid in its mother's milk.[1]

Date and authorship

In keeping with the primitive conception that religion consists of ceremonial acts, the emphasis is laid on forms of worship rather than upon moral duties. With the possible exception of the first commandment, the single precepts of this decalogue do not differ in general character from those which were current among the early Semitic neighbors of the Hebrews. The second does not necessarily condemn idolatry, but simply the expensive idols, made of silver or gold or else of wood overlaid with gold, which probably at the stage in Israelitish culture represented by this decalogue could be produced only by foreign workmen. It has also been plausibly suggested that the command to keep the feast of unleavened bread, which

[1] Cf. also Wellhausen, *Israel. und Jüd. Gesch.*, 4, 100, foot-note.

is an agricultural regulation, displaced an original nomadic command to observe the passover.[1] If so, seven of these commandments may well have come from the nomadic period of Israel's history and therefore from its great leader Moses, who in moulding the nation would also seek to establish its religious practices. The remaining three clearly contemplate agricultural conditions, for the nomad can never rest from the care of his flocks, nor does he observe agricultural feasts, and bring first-fruits to an established sanctuary. It is not impossible, however, that these are later versions of commands originally applicable to the days of Moses. At least it is probable that this little code is the earliest to be found in the Old Testament and may properly be regarded as the nucleus of all later legislation.

Other parallels

The other primitive laws, preserved by the Jehovistic historian in Exodus 13 : 6, 10-13, are simply repetitions or expansions of the third and fourth commandments of this ancient decalogue. Again, in the legal material of Exodus 20 to 23, which is incorporated in the Elohistic prophetic history, nearly every one of its enactments is reiterated (Ex. 20 : 23 ; 23 : 12, 15-19). In Deuteronomy and again in the Priestly codes they are also reproduced and expanded still further.

The prophetic decalogue of Exodus 20

While constituting a part of the primitive laws preserved by the Elohistic historians, the familiar decalogue of Exodus 20 : 1-17 appears to be considerably later than that

[1] Barton, *Study of Semitic Origins*, 294.

found in Exodus 34. Like the older it consists of ten originally short commandments, such as,

"Thou shalt not make unto thee a graven image;
Remember the sabbath day to keep it holy;
Honor thy father and thy mother,"

which have been supplemented by later explanatory and hortatory additions. It emphasizes, however, not ritualistic but moral duties. The essence of the teachings of prophets like Amos, Hosea and Isaiah is thus embodied in vivid, sententious maxims. Some of these commands may represent principles laid down by Moses, as for example the injunctions not to murder, commit adultery or steal; for in regard to these crimes the human conscience was early awakened; but the historical background of most of them is the agricultural life of Canaan. Even the graven images, which the people continued until a late period to retain as symbols of the deity, and against which such a jealous champion of Jehovah as the prophet Hosea raised no protest, but rather seems to have regarded as perfectly legitimate (Hos. 3:4), are forbidden. Commands like the third and tenth also imply a highly developed moral consciousness, and therefore point to a late date. On the other hand their position in the ancient prophetic history and the presence of a variant version in the Deuteronomic code indicate that they cannot be later than about 650 B. C. They probably assumed their present written form during the eighth century before Christ;

although, as has been said, many of the principles which they emphasize may come, as their traditional setting suggests, from Moses. That they embody Jehovah's message through his prophet or prophets to the Israelitish race and in turn to humanity cannot for a moment be questioned.

Other decalogues

Traces of other decalogues are found in the Old Testament. Transmission has probably in some cases obscured their original structure. To the group of primitive commands intended for the guidance of the people, belong the ceremonial, humanitarian and religious injunctions, found in Exodus 20 : 24-26 and 22 : 18 to 23 : 18.

Memoranda for the guidance of judges

The other motive, which produced the earliest written laws, was the desire to provide uniform regulations for the guidance of judges. Exodus 21 is introduced by the suggestive superscription: "Now these are the judgments which thou shalt set before them." The laws which follow anticipate ordinary crimes or cases of dispute and indicate the penalty which shall be imposed or the ruling which shall be rendered by judges. Those found in the long section Exodus 21 : 1 to 22 : 17 are most of them introduced by the formula, "If so and so." Many of them

Date

contain evidence that at the period when they were written the Hebrews were settled in Canaan. For example the law, "If a man cause a field or vineyard to be eaten, and shall let his beast loose, and it feed in another man's field, of the best of his own field, and of the best of his

own vineyard, shall he make restitution" (Ex. 22 : 5), implies a settled agricultural life. Social conditions are also much more complex and crimes are anticipated which were unknown on the nomadic stage. At the same time many very early usages of the Israelites are here reflected, —some of them in all probability going back to the days of Moses. These "judgments," together with the other laws, most of them in decalogue form, found in the two prophetic groups of narratives, are evidently the most primitive codes in the Old Testament. They represent Israel's laws and institutions as they gradually unfolded between the age of Moses and that of Elijah (about 1200 to 800 B. C.). They are in harmony with the vivid picture of social and moral conditions during this period found in the earliest historical records. They also contain the germ of the more highly developed laws of the other Old Testament codes. Preserved, as they were, by prophetic historians whose interest in laws and legal institutions was slight, they probably represent only a part of the larger body of written or at least traditional laws in existence at the time. The character of these other primitive laws, which have been lost, can only be inferred from the form in which they appear in the later codes. The primitive regulations, which have been retained, however, furnish a valuable basis for the study of the origin and growth of Israelitish institutions and ethical standards.

Period represented by the primitive codes.

IV

THE DEUTERONOMIC CODES

Conditions which made new codes necessary

The two centuries between 800 and 600 B. C. witnessed great political, social and religious changes in the life of the Israelites. The conquering armies of Assyria revolutionized the history of the Palestinian states and brought new and insidious temptations to the Hebrews. During this stirring period the prophets Amos, Hosea, Isaiah and Micah also proclaimed many new ethical and religious principles. Although these made little immediate impression upon the people as a whole, they were cherished by groups of faithful disciples, such as Isaiah gathered about him. His watchword was, "Bind thou up the testimony, seal the law (*torah*, teaching) among my disciples" (Isa. 8 : 16). Having transmitted the prophetic truths to them, he was contented "to wait for Jehovah." His trust was not in vain, although during the reactionary reign of Manasseh for over half a century the prophets were silenced and their teachings forgotten by the masses, eager to follow the lead of the king in adopting the religious ideas and customs of their Assyrian masters. Israel's best traditions and institutions were in great danger of being completely neglected and lost. Experience had also clearly demonstrated that, if the principles, cherished by the persecuted prophetic party in Judah, were to gain

popular acceptance, they must be presented in a form sufficiently concrete to affect the ordinary life of each individual. Furthermore it was obvious that the earlier laws were not sufficient to deliver the race from the new temptations which assailed it. To meet these new needs and constrained by the limitations of the situation, a prophet or group of prophets devoted themselves to developing a new code of laws for the guidance of the nation. The results of their faithful work are preserved in the Book of Deuteronomy.

Their relation to earlier codes

A detailed comparison of these laws with those found in the primitive codes reveals their method and purpose. The older were made the basis of the new legislation. Fully three-fourths of the enactments found in the earlier codes are represented in Deuteronomy.[1] Those, which are omitted, were chiefly of interest to judges, who were called upon to impose penalties for specific injuries. Their omission, as well as many other indications, make it clear that the Deuteronomic codes were intended for the people as a whole and not for a limited group within the nation. Reasons and even exhortations, intended to insure the observance of the laws, are frequently introduced. Technicalities are excluded. The nature of the penalty to be imposed is often left to the judges. Only a few of the earlier laws are quoted literally (cf. Ex.

[1] The chief exceptions are Ex. 21 : 18 to 22 : 15; 22 : 28, 29[b]. Cf. Driver, *Deuteronomy*, Introd. iv.-viii.

23 : 19b; 34 : 26b and Dt. 14 : 21c). More frequently only certain clauses are reproduced verbally (cf., *e.g.*, Ex. 23 : 4, 5 and Dt. 22 : 1-4). Evidently there was no slavish worship of the letter of the older codes. Possibly versions, different from the ones cited by the prophetic historians, were current. As a rule, however, the purport of the original law is re-expressed in the language peculiar to the Deuteronomic writers, and is supplemented by explanations and exhortations (cf., *e.g.*, Ex. 21 : 2-7 and Dt. 15 : 12-18). In some cases the principle underlying the older law is appropriated and differently applied (cf. Ex. 21 : 12-14 and Dt. 19 : 1-13). Certain earlier enactments, which were then recognized as imperfect or even pernicious in their effects, were entirely abrogated. Thus for the law, which recognized the many high places in Israel (Ex. 20 : 24-26), was substituted one which declared illegal, sacrifice or worship anywhere outside Jerusalem (Dt. 12 : 1-28; 15 : 5, 6). In this and in many of the enactments the new principles enunciated by the great prophets of the preceding century are readily recognized (cf. Hos. 4 : 13; 12 : 2; Isa. 1 : 29). The new codes are permeated with the spirit of that love for God and man which first found complete expression in the sermons of Hosea. The commands of the lawgiver constantly merge into the exhortations of the prophet, revealing the identity and purpose of their authors.

Abrogation of earlier enactments

The purity of that purpose and the divine enlighten-

ment of the men who prepared the Deuteronomic codes are fully demonstrated by the character of the laws and by their perfect adaptation to the peculiar needs of the Hebrew race during the latter part of the seventh century B. C. His message and his ability to apply it to life as he finds it are the supreme credentials of every God-sent prophet. Embodying and for the most part simply re-adapting laws and principles, which the traditions of their age already attributed to Moses, the authors of the new codes were not only justified but also in a sense under obligation to recognize the debt to the founder of the nation. The habit of putting into the mouths of the ancients, words which in the thoughts of the later writers were appropriate to a given historical situation was exceedingly common and universally recognized as legitimate. The Old Testament contains many illustrations. Noah is represented as uttering a blessing which is an epitome of the history and relations existing centuries later between the three great races of antiquity (Gen. 9:25-27). Jacob's blessing (Gen. 49) reflects conditions first realized in Israel's history during the reign of David. Samuel in the characteristic language of a Deuteronomic writer is made to deliver an address portraying in unmistakable terms the characteristics of Solomon's despotic policy (1 S. 8). To-day we do not protest when a Shakespeare puts his own words in the mouth of Mark Antony. A genuine basis of fact, common usage, and obvious practi-

Reasons for putting the new laws in the mouth of Moses

cal reasons led the authors of the Deuteronomic codes to give their laws a Mosaic setting. In an uncritical age they were probably almost from the first accepted as the original utterances of Moses, although a thoughtful student in the past as well as to-day could not fail to recognize the incongruity between the minute enactments, for example, in regard to the kingship, the temple or the sabbatical year, and their desert background.

Dates of the Deuteronomic codes

The exact date of the Deuteronomic codes cannot be determined absolutely. The original code is apparently to be found in chapters 12 to 26 and 28 of Deuteronomy. Chapters 5 to 11 are distinct, being expansions of the theme suggested by the first command of the prophetic decalogue. Since the original code reflects the teachings of the earlier group of prophets and the peculiar conditions induced by the policy of Manasseh it may be assigned to the latter part of his reign, or the opening days of Josiah's rule. It was evidently the "Book of the Covenant" brought forth from the temple and made the basis of the great reformation of 621 B. C. Every detail of that unique religious revolution, as recorded in 2 Kings 22 and 23, is in keeping with its demands. The smaller code (5 to 11) and other supplemental sections may have been added during the reign of Josiah, although the complete book cannot be dated earlier than the exile and probably received its final revision during the Persian period. The Deuteronomic codes, as has been noted, contain many

laws which came from the early period of Israelitish history, but those elements which distinguish them from the primitive codes, represent in general the development of Hebrew legislation between 800 and 600 B. C.

Ratification of new codes

Their history also illustrates how new additions and revisions of the earlier regulations later gained acceptance. In the absence of a recognized legislative body or authorized lawgivers among the Israelites, laws came to be regarded as authoritative, in theory because attributed to Moses, in reality because they appealed to the ethical consciousness and were adapted to the needs of the age when they were promulgated. While they continued to be transmitted orally, they developed naturally, as new conditions demanded; but when they were committed to writing the process was not so simple. Roman history presents a parallel case. In theory the Twelve Tables continued to be regarded as the sole basis of the legal system, although in fact its simple provisions had long since been outgrown. A similar device was employed in Israelitish history. All later codes were attributed to Moses. The Deuteronomic laws, however, remained only private codes until they were presented to the people and publicly ratified by them through their king, and then enforced by his authority. Fortunately there was found in Judah at the time a devoted band of reformers, like Jeremiah, Zephaniah, and Hilkiah, in perfect sympathy—if not previously acquainted—with the new regulations and able to bring

them to the attention of the nation and secure their acceptance. Otherwise they would, unknown to the race, have perished with the temple, where for a time, according to the account in 2 Kings, they had been deposited, or else with the generation which produced them. As it was, the enactments of the Deuteronomic codes were not permanently adopted by the majority of the Jewish race until the trying experiences of the Babylonian exile had demonstrated the truth of the prophetic principles which they embodied.

V

EZEKIEL'S CODE

Origin

The fate of another private code, prepared less than a century later, was very different. When it was written the members of the race were widely scattered; it also did not have the support of an eager group of reformers, and its enactments were not as practically adapted to the conditions of their age as were those of the Deuteronomic codes. Ezekiel's system,[1] although never adopted by the nation, is, however, of great importance, because it illustrates the tendencies of the day and enables us to study Israelitish law in the making. Born a priest, acquainted as a boy with the ritual and arrangements of the Jeru-

[1] Found in Ezek. 40 to 48.

salem temple, he was carried a captive to Babylonia in 597 B. C., there to become a zealous prophet of Jehovah. Most of his work was done as a pastor and preacher to the Jewish community beside the Chebar canal. The transcendent holiness of Jehovah and the certainty that his people would soon be restored to Palestine were among the doctrines which he emphasized most strongly. In his later days (572 B. C.), following the example of the prophetic authors of the Book of Deuteronomy, he sought by means of definite regulations, as well as by word of mouth, to impress these and other teachings upon the minds of his fellow-countrymen.

Characteristics of Ezekiel's code compared with earlier systems

To this end he prepared a detailed plan for the restored community and temple. Everything was regulated with the aim of guarding the sanctity of Jehovah's dwelling-place and its service. Many older usages were preserved; but Ezekiel did not hesitate to amend or set aside the laws of the preceding Deuteronomic codes, whenever they were not suited to the new needs or failed to conform to his prophetic ideals. Thus the former priests of the high places, who were conceded in the Deuteronomic laws equal rights with those of the Jerusalem temple, were debarred these privileges by Ezekiel and assigned to only menial duties (44:4-31). Although his system was never fully adopted, it exerted a powerful influence upon later codes and reveals how strong was the tendency of the Jews of Babylonia toward ceremonial legalism.

VI

THE PRIESTLY CODES

Their relation to the pre-exilic, traditionally Mosaic usages

As the ritual of the pre-exilic temple became more elaborate, customs undoubtedly grew up which had all the force of written laws. Whether any of these regulations were committed to writing before the destruction of Jerusalem in 586 B. C. can never be absolutely determined. If so, the later Priestly codes have probably incorporated most of them. While the temple remained, however, and its customs and usages could be transmitted from father to son in the same priestly family and received constant illustration in the acts of the ritual, there was no strong reason for committing them to writing. The very fact that most of them were for a long time simply transmitted orally facilitated their adaptation to new conditions and their absorption of new elements without any conscious break with the tradition of their Mosaic authorship. Consequently, when at last they were put into written form, it was popularly believed that every detail of the pre-exilic ritual had been explicitly provided for by Moses. Since the customary usages of the pre-exilic period undoubtedly were made the basis of the Priestly codes, it is evident why the later editors not only felt justified but under obligation to put them in the mouth of the traditional father of Israelitish law. Naturally their own

additions or later supplements were not distinguished from the older regulations, for to have done so would at once have invalidated their authority. The fact that the Priestly codes were in a process of formation for at least two centuries before the canon of the law was finally closed gave ample opportunity for insertions. That the majority of these later additions were in harmony with the spirit of Israel's founder, and therefore justified, cannot be questioned.

Influences which produced written Priestly codes

The peculiar conditions, introduced by the Babylonian exile, reveal clearly the influences which produced the written Priestly codes. The destruction of the temple and the resulting cessation of ceremonial worship for two generations made it absolutely necessary to employ written records, if the traditional usages were to be saved from oblivion. The violent break with the past also facilitated and demanded certain modifications and new regulations, as is well illustrated by the details of Ezekiel's system. The exile also found a majority of the Jerusalem priests and the intellectual leaders of the Jewish race in Babylonia with leisure and no other mode of expressing their devotion than by writing. Prophets like Jeremiah and Ezekiel proclaimed, and the majority of the exiles believed, that their nation would yet be restored to Palestine and its worship of Jehovah on the sacred site be resumed. Hence a definite and noble incentive actuated them to write. Contact with the Babylonians, who were the lead-

ing literary people of the age, undoubtedly influenced them indirectly; while the example of their masters, whose religion at that time was conspicuous for its magnificent and elaborate ritual, could not fail to accelerate that tendency toward ceremonialism, of which Ezekiel's code is an example, and which found its full expression in the character of later Judaism. The primary cause of that tendency was the deep sense of guilt which oppressed the nation. Accepting the dogma that calamity was always the evidence of divine disfavor, they felt that they could never escape from the shadow of the great disaster which had overtaken them, until they could in some way appease Jehovah. "Shall I come before him with burnt offerings, with calves a year old? Will Jehovah be pleased with thousands of rams or with ten thousand rivers of oil? Shall I give my first-born for my transgression, the fruit of my body for the sin of my soul?" (Mi. 6 : 6, 7) was the involuntary cry of the people at all times of national distress. Hence the best energies of certain of the teachers of the race were during this period devoted to developing a ritual, by conforming to which the nation might again secure the forfeited divine favor.

Evidence of late date

The fact that they are the expression of the characteristic tendencies of exilic and post-exilic Judaism and that they are much more highly developed than the corresponding laws found in the other systems, is not the only evidence that the Priestly are the latest codes in the Old

Testament. Many of their regulations mark as distinct an advance beyond the work of Ezekiel as his did in turn upon that of the Deuteronomic editors. For example with him the high-priest, who figures in the Priestly codes as the representative of the people, specially clothed and consecrated for his duties (Ex. 28), is simply "the priest," who without further distinction performs certain atoning rites in behalf of the nation (Ezek. 45 : 18-20). According to Ezekiel this ceremony was to be observed twice in the year, on the first day of the first and sixth months; while the Priestly codes provide for its observance but once a year in the imposing ritual of the day of atonement (Lev. 16). The amount of the offerings to be presented is increased and the ceremony rendered much more elaborate in the Priestly codes. The distinction, which Ezekiel first maintained, between the priests and the Levites, is traced, not to the connection of the latter with the high places, but to their special choice by Jehovah in the days of Moses (Ezek. 44 : 15-27). It is not strange that the Jewish rabbis, who proceeded on the traditional hypothesis that the Priestly codes were the older, were inclined to regard Ezekiel as a heretic, and experienced great difficulty in reconciling the two conflicting systems. When the Priestly codes are recognized as the later, representing the growth of Israel's laws and institutions between approximately 600 and 400 B. C., the otherwise irreconcilable differences are fully explained.

The different Priestly codes

Recurring formulas, repetitions of the same enactment, variant and conflicting versions of the same law, varying idioms and indications of different points of view demonstrate that the Priestly codes include component groups of laws originally distinct; and that as a whole they represent the work of many different authors and editors who labored during the two centuries when the codes were gradually assuming their present form.

Holiness code (Ph)

Of these constituent codes, which have been introduced without serious modification into the larger system of priestly laws, the group found chiefly in Leviticus 17 to 26 is apparently the oldest. Because of the emphasis which it places upon the holiness of Jehovah and of his people it is known as the "Holiness code" (Ph). Repetitions and introductory formulas suggest that this minor code is in turn made up of originally independent groups of laws.[1] Similarity of style and representation, however, suggest that they came from the same school of writers. They also have many expressions and teachings in common with Ezekiel, indicating that they belong to the same general period. The regulations found in certain sections, as, for example, of Leviticus 18 to 20 and 23 to 25, seems to reflect a simpler and therefore an earlier stage in the growth of the law. The distinction between priests and Levites, first maintained by Ezekiel, is not

[1] Cf. for detailed presentation of the data: Carpenter and Battersby, *The Hexateuch*, i., 144-152.

found in the Holiness code. Specific months and days are not yet fixed for the religious festivals. In the light of these and other indications, it seems probable that here have been recorded many pre-exilic ceremonial usages; possibly also extracts from smaller pre-exilic codes. The collection as a whole may be dated from the opening years of the Babylonian exile, although some of its individual enactments may even come from the days of Moses.

Priestly teachings (Pt)

Another group of laws, the relationship of whose parts is indicated by the recurring formula: "This is the *torah* of——" (Lev. 6 : 9, 14, 25; 7 : 1, 11; 11 : 46, etc.) is found in Leviticus 1 to 3, 5 to 7, 11 to 15, and Numbers 5, 6, 15 and 19 : 14-22. It includes minor collections of priestly *toroth* or teachings regarding sacrifice, distinctions between things clean and unclean, and the duties connected with the Nazirite vow. The phrase, "according to the ordinance," which often occurs, suggests that this group also preserves in many cases the customs of the first temple and may be based upon pre-exilic codes. It is appropriately known as the "Priestly Teaching" (Pt). Undoubtedly some of its laws are as old as those of the Holiness code; but they have been recast and supplemented, so that as a whole they represent a slightly later stage in the growth of the ceremonial law.

Priestly code proper (P)

The remainder of the legal material found in the Pentateuch constitutes the Priestly code proper, or the groundwork (P or Pg), with its later supplements (Ps). It in-

cludes the priestly history, beginning with the first chapter of Genesis and running through the Book of Joshua, into which was incorporated the older groups of laws (P^h,P^t). It also contains many traditional precedents, like the account of the taking of the census in Numbers 1 and 3; also important groups of laws, like those relating to the sanctuary and the consecration of priests in Exodus 25 to 29, and the duties and dues of the priests and Levites in Numbers 18. It represents in general the further development of the law and the work of the priestly historians and editors between 500 and 400 B. C. Distinctions between priests and Levites are at last clearly defined and their respective sources of income established. The different events in the sacred calendar are also definitely dated.

Ratification of the Priestly codes by the Palestinian Jewish community

The combined Priestly codes (P^h, P^t, P) correspond to that "law of Moses," which, according to the account of Ezra-Nehemiah, was brought from Babylon by Ezra and solemnly adopted by the Jews of Palestine about 400 B. C.[1] The evidence of the historical and prophetic literature of the period indicates that up to that time the Primitive and Deuteronomic codes had been the only laws recognized by them as authoritative. Nehemiah evinced by the nature of the reforms introduced by him in 432 B. C. (cf.

[1] For the evidence that the work of Nehemiah preceded that of Ezra and that the great reformation is to be dated about 400 B. C., cf. Kosters, *Het Herstel van Israel Perzische Tijdvak;* Kent, *History of the Jewish People*, pp. 195-201.

Neh. 13) an acquaintance with the new principles which are incorporated in the Priestly codes; he appealed, however, to no written law but to the consciences of the people, and trusted to his own authority and influence to render the radical changes permanent. His reforms established important precedents which prepared the way for the sweeping innovations which followed the acceptance of the new law of Moses. Like the Deuteronomic in earlier times, the Priestly codes at first possessed no authority beyond the little group of faithful priests and scribes, who, probably in the quiet of Babylonia, had been preparing and treasuring them, until they were laid before the people and publicly ratified by the community. Thanks to Nehemiah's patriotic services the Jews of Palestine were at last ready for the new programme. In the absence of a king, the community through its elders accepted and covenanted to keep the new law. Five out of the eight regulations, specified in the oath assumed by the nation (Neh. 10 : 30-39), appear for the first time in the Priestly codes.

VII

THE FINAL COMPLETION OF THE CANON OF THE LAW

Later supplemental additions to the Priestly codes

The account in Ezra-Nehemiah of the institution of the new law of Moses indicates that the Priestly codes were not then entirely complete in their present form. For example in the detailed account of the celebration of the feast of the seventh month (Neh. 8) in accordance with the new code, there is no mention of the observance of the day of atonement which was solemnly celebrated by later Judaism in the tenth month (Lev. 16). Although the tithe of the ground is especially referred to in the oath of the community, nothing is said regarding the later law which added a tithe of the herd and flock (Lev. 27 : 30-33). Many supplemental additions seem to have been later appended to the original Priestly codes. Until the canon of the law had been definitely closed, it was easy and natural that they should be made. The growth of the law did not suddenly cease with the adoption of a new version of the law of Moses. Rather the prominence given to the ceremonial legislation must have accelerated that growth. Adaptation to the peculiar conditions within the Judean community also called for new regulations. Later usages, associated by tradition with Moses, would naturally, when recorded in writing, be included in the

law-book which bore his name. Thus they found a place in the legislation.

Final closing of the canon of the law

The tendency to misuse this privilege in order to introduce partisan regulations may have been one of the motives which led to the final closing of the canon of the law. Certainly the latest supplements contain enactments calculated greatly to increase the income of the priests and temple at the expense of the people. In subsequent generations the law continued to develop as before, but it was decreed that it should be preserved in oral form, and never committed to writing lest it become confused with the older written law. Unfortunately the date of the formation of the first Old Testament canon cannot be definitely determined. Certainly when the translation of the Hebrew scriptures into Greek was begun about 250 B. C. it was closed. This important translation itself was doubtless one of the influences which hastened the consummation, although as the law was prized more and more highly the tendency would be to guard it more carefully. The new dispersion of faithful Jews, especially toward Egypt, which followed the death of Alexander, undoubtedly made necessary added copies of the law. The existence of many duplicate copies would tend to check the insertion of supplements. Therefore as early as 300 B. C. it is reasonably certain that the canon of the law was practically closed.

Thus the Old Testament legislation represents the

Summary of the growth of Old Testament law

growth of at least eight or nine centuries. Through five centuries it was assuming its final written form. In its historical origin it is like a pyramid with the little primitive decalogue of Exodus 34 : 10-26 at the top, the subsequent codes in successive layers, and the large, composite Priestly codes at the base (cf. Frontispiece). At the apex stands Moses, dominating with his personality and with the magic of his name all parts of the rapidly broadening pyramid. That which makes it difficult to distinguish its original form is the fact that, like many of the temples and cities of antiquity, it has been rebuilt so often and the original order so far disarranged that it is possible only by the most careful study of the individual parts to restore each to its former place. To that task modern biblical scholarship has devoted itself. Some smaller stones bear no clear mason's mark and fit almost equally well in several different places; but, with these unimportant exceptions, the reconstruction is complete; and we may behold in imagination the outlines of Israel's law as it gradually took form. That law as a whole represents the work of scores and hundreds of men: judges, like Moses, who rendered precedent-making decisions; prophets, like Hosea and Isaiah, who enunciated God-given principles; unknown priests, prophets and scribes, who formulated the laws in written form; revisers, who adapted them to new circumstances; editors, who, without any hope of reward except the sense of having preserved the divine messages en-

trusted to their race, copied and re-incorporated earlier collections of laws into the later codes, and reformers, like Hilkiah, Josiah, Nehemiah and Ezra, who rescued the new codes of their day from threatening oblivion and secured their universal acceptance and practical application to the life of the nation. Back of and in all this consecrated human activity was the Father of mankind, whose benign purpose was thus being revealed to mankind and realized in the history of the Israelitish race.

DESIGNATIONS AND APPROXIMATE DATES OF THE DIFFERENT OLD TESTAMENT CODES

Primitive Codes

Representing Israelitish legal usages from about 1200 to 800 B. C.

Found in Jehovistic prophetical narrative (J) of Exodus 13 and 34 and in Elohistic prophetical narrative (E) of Exodus 20 to 23.

Deuteronomic Codes (D)

Representing the further development of Israelitish institutions between 800 and 600 B. C.

Found in Deuteronomy 12 to 26 and 28, and in the supplemental code, 4 to 11 and 27.

Priestly Codes (P)

Representing the further growth of Israelitish law between 600 and 400 B. C.

Including:

Holiness Code (P^h) . . . . . 600 to 500 B. C.
Found chiefly in Leviticus 17 to 26.

Priestly Teaching (P^t) . . . . . 600 to 500 B. C.
Found in Leviticus 1 to 3, 5 to 7, 11 to 15, Numbers 5, 6, 15, and 19: 14–22.

Priestly Codes Proper (P) . . . . 500 to 400 B. C.
Found in the legal portions of Exodus, Leviticus and Numbers not belonging to the preceding codes.

Later supplemental or editorial additions to the original codes (J^s, E^s, D^s, and P^s) are introduced in smaller type or *italics*.

CRIMINAL LAWS

CRIMINAL LAWS

I

CHARACTERISTICS OF ISRAELITISH CRIMINAL LAW

A majority of the early laws among the Hebrews, as among most primitive peoples, consisted of prohibitions against certain misdemeanors. Thirty-eight of the fifty-one distinct regulations found in the primitive codes of Exodus 20 to 24 are classified as criminal; while only a small fraction of the laws of the later Priestly code belong to this class. Crimes first demanded the attention of the primitive lawgivers, and laws were early promulgated which were intended to secure uniformity in dealing with misdemeanors, and above all to inspire terror in the minds of possible offenders.

The Hebrew conception of crime differed in certain respects from that underlying Roman and modern legal systems in which the king or the state is the plaintiff. Originally it was the individual or the immediate members of his family who avenged wrongs done to him; and society did nothing to punish the criminal except to leave the individual and family free to exercise their

right. In the case of bloodshed, vengeance was regarded as a sòlemn duty (cf. 2 S. 14 : 1-11). This practice, of course, was simply an inheritance from the nomadic period when there was little social organization. When Jehovah was recognized as the God of the Israelitish race and, in the light of the teaching of the prophets and of a higher ethical sense, as a moral deity who demanded deeds of righteousness from his worshippers, all crimes gradually came to be regarded as offences against him. This principle finds clear expression in the prophetic decalogue of Exodus 20, where the commands are represented as coming directly from Jehovah and the chief motive urged for keeping them is Israel's debt of gratitude to him for the deliverance from Egypt. In the Deuteronomic and subsequent codes Jehovah is universally regarded as a plaintiff in all criminal offences. The punishment of many crimes, which, like apostasy or the profanation of his sanctuary, especially concern his worship, are left to him, and the community makes no effort to punish the wrong-doer, while more secular cases are conceived of as decided by him through the priestly judges, his representatives.

As soon as the Israelites settled in Canaan and the tribal was gradually supplanted by the city and state organization, the community, in practice at least, assumed the rôle of plaintiff and through its appointed judges tried and also executed their sentence upon the criminal. Cap-

ital offences were punished by stoning, in which all members of the community participated, thus avenging themselves of the wrong which had been done to them as a whole. This usage appears in the primitive codes, so that in practice and in reality the modern conception of the state as the injured party in criminal cases was accepted at a very early date by the Hebrews. In theory, however, the community punished the criminal that it might be delivered from the burden of guilt which a crime committed in its midst was thought to impose upon it (2 S. 21; 2-4; Dt. 19 : 19; 21 : 1-9). This was clearly the priestly lawgivers' method of expressing the truth that every misdemeanor was a wrong done to the State as well as to Jehovah and to the individual directly injured.

Thus these three distinct conceptions of the nature of crime continued to be entertained side by side and in the Old Testament legislation are mingled in truly oriental fashion, so that anything more than an approximately scientific classification is impossible. In general kindred crimes are grouped together in the present codification in the order suggested by the familiar prophetic decalogue (Ex. 20).

The object of punishment was likewise variously conceived. The idea that crime brought upon a people a burden of guilt which could alone be removed by the punishment of the offender is doubtless old (Dt. 21 : 1-9; Num. 30 : 31). The prevention of crime by impressing

the people with its inherent hideousness and awful consequences was clearly the chief object. The different methods of punishment—public stoning, burning the body of a criminal, and scourging—were each well calculated to produce this effect. In the case of especially loathsome crimes, the lawgivers plainly declare that the penalty is imposed that the people may see and sin not (Dt. 21 : 18-20 ; 22 : 20, 21).

Compared with those in use among contemporary peoples, the methods of punishment in vogue among the Israelites were humane. The custom of burying alive, impaling on stakes, crucifixion, and torture were unknown among them. Imprisonment never appears to have been used as a punishment. Scourging—restricted by the Deuteronomic law to forty strokes—and the stocks were chiefly employed in punishing minor offences. The fact that they had no appropriate punishment for moderate crimes doubtless explains why for certain misdemeanors, like disobedience to parents and labor on the Sabbath, the death penalty seems too severe, and for others, like assault, the penalty, which was simply support of the injured party, seems too light.

In the case of eighteen distinct crimes capital punishment is recommended by some one of the codes. For only one crime—murder—is it the penalty in all the codes. The statutes which made these crimes capital offences are significant indices of the growth of public opinion and

the peculiarities of the different codes. The primitive codes impose the death penalty seven times, namely for sorcery, cursing a parent, murder, assault of a parent, fatality due to criminal neglect, kidnapping, and bestiality; the Deuteronomic codes twelve times: for apostasy, solicitation to apostasy, false prophecy, defiant disobedience of parents, murder, assault of parents, rape, adultery, sodomy, prostitution, kidnapping and the failure to carry out a judicial decree; the Priestly codes ten times: for practising spiritualism, sacrifice of children to Moloch, blasphemy (P^s), labor on the Sabbath (P^s), cursing parents, murder, adultery, illegal marriage with stepmother or daughter-in-law or with both mother and daughter, sodomy, and prostitution. Several enactments are the same in two codes. In the Priestly the tendency is toward greater severity, especially in the case of sins against religious laws, like blasphemy and labor on the Sabbath.

To this might be added the list of crimes respecting which it is declared that Jehovah himself will destroy the offender. In the primitive codes, these are apostasy and idolatry; and in the Priestly, practising or encouraging heathen superstitions, entering the sanctuary, and the eating of consecrated food by a priest when ceremonially unclean.

For many misdemeanors no definite penalty is stipulated. Some of them, like taking interest from the poor, were probably rarely brought before the courts; while in

the case of others the penalty was to be determined by judges after they had investigated the details of the case. Frequently the language specifying the penalty is very indefinite, as for example, the culprit "shall bear his iniquity," or "he shall be guilty," or "that soul shall be cut off from his father's kin," or "from before me" (Jehovah), or "cut off in the sight of the children of his people." The execution of the sentence was left to Jehovah until the crime seriously offended the moral sense of the community; then some appropriate penalty was devised. These indefinite laws clearly represent prophetic and priestly ideals to which the lawgivers were endeavoring to lead the masses.

II

THE TWO PRINCIPLES UNDERLYING ISRAELITISH PENAL LEGISLATION

The Hebrews inherited from their barbarous past the law of retaliation (the *jus talionis* of the Romans). Before society was organized this law had long been in force. The early tribal organization of the Hebrews tended to perpetuate it, for the law of blood-revenge is only a modified form of the same, in which the tribe undertakes to avenge all injuries done to any of its members. When the tribal gradually merged into the national organization,

it was natural that the Hebrews should continue to retain the same principle of punishment. The result is that it underlies all the early and much of the later legislation. Before any of the Hebrew laws took form it had evidently found popular expression in the terse, epigrammatic saying, repeatedly quoted : " Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe " (Ex. 21 : 23-25).

In the enactments of the Book of the Covenant (Ex. 20 to 23) it is prominent, although only once directly quoted (Ex. 21 : 22-25). In Deuteronomy judges are commanded to apply the law of retaliation to those who injure others by false testimony. The aim is clearly to protect the law courts from this bane of oriental society, by inspiring terror in the minds of all possible offenders (19 : 18-21). With the one exception, the ancient custom is nowhere directly referred to in this code, which reflects so largely the spirit of Israel's greatest prophets. In the sterner Holiness code it is apparently again exalted to the position of a general law : " If a man causes a blemish in his neighbor ; as he has done, so shall it be done to him ; limb for limb, eye for eye, tooth for tooth ; as he may cause a blemish in a man, so shall it be caused in him " (Lev. 24 : 19, 20). It is in harmony with the ideal of this priestly system which aimed by the most strenuous legislation to make " Israel a holy people." It was also typical of that later priestly " Mosaism " whose harshness and

lack of love were condemned by the great teacher of Nazareth.

The other and late principle underlying Hebrew law was that of compensation. Its influences commenced to be felt as the spirit of revenge began to be controlled and as the love of possession grew. It also became more potent when the punishment for a crime was taken out of the hands of the individual or local tribe and entrusted to representatives of the State. Then it was recognized that in the case of many minor crimes it was far better for the general welfare of the community and for the injured to receive some material compensation than to inflict a corresponding injury upon the guilty. Even in the ancient code of Exodus 20 to 24 this principle was applied in the case of certain injuries to person as well as property (21 : 18, 19, 26, 27, 33-36). One interesting example is found where either the principle of retaliation or that of compensation may be applied as the judges deem proper (21 : 28-30). Naturally in the later legislation the principle of compensation became more prominent, until in the priestly code it is stated as a general law (Num. 5 : 5-8). In keeping with the tenor of that legislation, if the injured man has no kinsman to whom the restitution can be paid, the priest as Jehovah's representative is to receive it.

1. *The Law of Retaliation* (Ex. 21 : 23-25; Dt. 19 : 22; Lev. 24 : 19, 20)[1]

Primitive, Deuteronomic and Priestly Codes.

For all crimes against the person of another the offender shall himself suffer a like infliction: "Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe." As one does to others shall be done to him (Ex. 21 : 23-25; Dt. 19 : 21; Lev. 24 : 19, 20)

2. *The Law of Compensation* (Num. 5 : 6-8)

Priestly Codes.

(P[s]) Every offender, male or female, who commits a crime of any kind against Jehovah, shall confess his guilt and make restitution in full for the injury done to the person or persons wronged, adding thereto one-fifth of the amount determined upon as a full equivalent. Restitution for wrongs committed (Num. 5 : 6, 7)

In case the person or persons wronged do not survive and have no kinsmen the amount of the compensation shall be given to the priest as Jehovah's representative. In addition, the usual guilt-offering of a ram shall be presented to Jehovah. In default of the person wronged and his heirs (Num. 5 : 8)

[1] The form of the law varies slightly in each of the three codes in which it occurs. That of E quoted above is the fullest; Deuteronomy preserves the same order, omitting "burning for burning, wound for wound, stripe for stripe;" while the Holiness code has the more general form: "If a man causes a blemish in his neighbor; as he has done, so shall it be done to him" (Lev. 19 : 19).

III

CRIMES AGAINST JEHOVAH

In both the earliest decalogue of Exodus 34 and the prophetic decalogue of Exodus 20 (Deut. 5) the first command is that the people shall worship no other God than Jehovah. In varying form the same commandment is constantly reiterated in the pre-exilic codes. These laws against apostasy clearly voice the watch-cries of the prophets in their protracted crusade against inherited religious ideas and superstitions. It is perfectly natural that they should be most prominent in the Deuteronomic codes which reflect most fully prophetic aims and teachings. Except in the Holiness code, which comes from the beginning of the exile, the later laws cease to speak of apostasy. The exile not only vindicated the prophets but also broke the continuity of those traditions which bound the Hebrews to their heathen past.

The oldest prophetic histories frankly state what is confirmed by the results of modern historical investigation, namely that their ancestors were worshippers of many gods. Rachel is represented as stealing the teraphim or family idols of her father Laban, when Jacob sets out to return to the land of Canaan (Gen. 31 : 19-34). Later, when the patriarch goes up to Bethel to worship Jehovah, he commands his household followers to put away the strange

gods among them in order to purify themselves (Gen. 35 : 1-4). Joshua in his address to the people is made by the Elohistic historian to declare: "Your fathers dwelt of old time beyond the River, even Terah, the father of Abraham, and the father of Nahor, and they served other gods" (Josh. 24 : 2). He also recognizes that they have retained those strange gods until they have reached the land of Canaan. That the masses continued to cherish them and many of the superstitious rites connected with their traditional worship until the exile is confirmed by the narratives of the historians and the references in the sermons of the prophets. Micah the Ephraimite and Gideon erected images for public worship and no one of their contemporaries condemns them [1] (Judg. 8 : 22-27 ; 17 : 1-6). As late at least as the days of Jeroboam II., the pillar, ephod and teraphim were popularly regarded as legitimate accessories of worship (Hos. 3 : 4). In the days of Manasseh various types of Semitic religion flourished in the temple at Jerusalem under the shadow of the throne.

The first two commandments, therefore, of the two oldest decalogues were dealing with ever-present and persistent evils. In this modern age of religious liberty the rigor of certain of the enactments seems uncalled for; but in justice to the lawgivers they must be studied in the light of the conditions and the ideas which inspired them. The

[1] The condemnation found in the Book of Judges is clearly from a later editor.

Deuteronomic codes, which of all the Old Testament laws are most permeated with the spirit of love to God and man, enjoin the severest punishment for apostasy. The oldest primitive enactments simply forbid the worship of other gods without suggesting any definite penalty. One law, preserved by the Elohistic historian, decrees that a man guilty of sacrificing to an alien god shall be placed under the ban. The Deuteronomic codes, however, enjoined public stoning as the punishment for apostasy and for the practice of certain superstitions which gave clear evidence of deliberate infidelity to Jehovah. The reason for this increased harshness is obvious. Fidelity to the God of the Hebrews was not only a religious but also a political duty. It was the great point of division between the two parties in Judah. For half a century the heathenish anti-prophetic party had been in control under Manasseh and had endeavored to exterminate by the sword the Jehovah party. All that was best in Judah's future depended upon the outcome of the bitter conflict. Among all ancient Semitic peoples the gods were regarded as the heads of the state. Pre-eminently was this true of the Hebrews. Religion and the state were closely identified. The fact that in the days of Josiah the forces of the two parties in Judah were so evenly balanced undoubtedly drove each to extreme measures. It was a state of war. Infidelity to Jehovah was treason, and death is still the punishment of a traitor who endeavors at a

critical moment to betray his country. History records no clear instance in which the death penalty was actually inflicted for apostasy. Possibly, as apparently in the case of certain other enactments, the aim of the lawgivers was by the severity of the penalty to awaken the people to a realization of the heinousness of the crime, and by fear to deter them from committing it. An author of the Holiness code, who lived after the age of Josiah and in the light of a broader experience, enjoined that the offering of human sacrifice should be punished by death, and then—betraying his feeling that the law would not be rigorously enforced—added, if the people do not execute the judgment, Jehovah himself will cut off the culprit and all who sympathize with him (Lev. 20 : 4, 5).

In many respects the most persistent and insidious danger which assailed the exalted Jehovistic religion proclaimed by the true prophets was the influence of their false brethren. Claiming to be the spokesmen of Jehovah, using the same formulas as the genuine prophets, often enjoying great popular favor and sometimes doubtless half self-deceived, they were constantly misleading the people. Some were evidently secretly in league with the heathenish anti-prophetic party ; while others were simply guilty in that they listened to the voice of self-interest and spoke without any God-given message. From the time of Ahab (1 K. 22) they were constantly present and, until the exile, very prominent. Jeremiah, on all occasions,

was confronted and his influence undermined by them. It was because their counsel was accepted by the nation that Judah plunged into its fatal revolts against Babylon; and their lying messages almost completely neutralized the teachings of the true prophets. The exile so completely demonstrated the falsity of their utterances that they ceased to be a serious evil. It is natural therefore that the earlier codes and also the later Priestly laws should make no reference to them, while in the Deuteronomic codes they receive much attention, and are placed in the list of the most dangerous criminals.

By these negative and often harsh laws the duty of obedience and loyalty to the Infinite, as he revealed himself to each nation and individual, was impressed upon the minds of the people. They represent the efforts of devoted priests and prophets to guide the weak and ignorant and erring into the path of truth and to save them from the many pitfalls which beset their way.

1. *Worshipping Other Gods* (Ex. 34 : 14; 22 : 20; 23 : 24, 32, 13[b]; 34 : 15, 16; 20 : 3; Dt. 5 : 7; 6 : 14-16; 8 : 19, 20; 11 : 16, 17; 30 : 17, 18; 11 : 26-28; 28 : 13; 17 : 2-7)

Primitive Codes.

Absolute loyalty to Jehovah (Ex. 34 : 14)

(J) Let no Israelite pay homage to any other deity than Jehovah, the God of his race, who has already revealed

himself in history and by the voice of his prophets as by nature intolerant of all infidelity toward himself.

The one who by an act of worship pays homage to any other god courts certain destruction. Penalty (Ex. 22 : 20)

(J[s]) Instead of worshipping the gods of their heathen neighbors the Israelites shall destroy them and all the insignia of their corrupt religious practices. It shall be a crime for an Israelite to speak the name or to recount the attributes of any other god than Jehovah. Avoidance of the temptation to apostasy (Ex. 23 : 24, 32, 13b)

Let the Israelites also carefully abstain from making any alliances with the neighboring nations, lest they should thereby be influenced to worship the gods of these alien peoples. Evil of foreign alliances (Ex. 34 : 15, 16)

Primitive and Deuteronomic Codes.

No Israelite shall presume to acknowledge as his Lord [1] any other deity than the God of his race. Prohibition (Ex. 20 : 3; Dt. 5 : 7)

Deuteronomic Codes.

Let all members of the Hebrew race remain loyal to Jehovah and guard carefully lest in joining with their neighbors in the worship of their gods they prove traitors to him. Repeatedly he has revealed himself as a God who will not tolerate in his followers the worship of Disloyalty means destruction (Dt. 6 : 14-16; 8 : 19, 20; 11: 16, 17; 30 : 17, 18)

[1] The meaning of the Hebrew expression "to my face" or "in my face," used in this familiar command, is obscure. It is variously translated: "before me, beside me, in my presence, openly or in despite of me." The meaning "openly" accords closely with the original "in my face" and is supported by a similar use of the idiom in Job 1 : 11; 21 : 31; Isa. 65 : 3.

other deities. Therefore let them be loyal to him, lest he bring upon them great national calamities, and, if they persist in their infidelity, destroy them completely.

Fruits of fidelity and infidelity (11 : 26-28; 28 : 13)

Prosperity and political power await the people of Jehovah, if they are true to him, but only subjection and disaster, if they prove untrue.

The public punishment of apostasy by the community (Dt. 17 : 2-7)

(D[s]) If it is reported and, after careful investigation by the proper authorities, established with certainty by the testimony of two or more witnesses that within a certain city or community a man or woman has deliberately disregarded his obligation as a member of the Hebrew nation to be loyal to Jehovah and worshipped the gods of the surrounding nations or the astral deities of the Assyrians, that one shall be put to death by stoning outside the gates of the town. The witnesses against the traitor shall take the initiative in carrying out the sentence and shall be aided by all members of the community, that it may thereby be delivered from the guilt of one of its number.

2. *Solicitation to Religious Apostasy* (Dt. 13 : 1-18)

Deuteronomic Codes.

A prophet urging apostasy to be punished as a traitor (Dt. 13 : 1-5)

If there appears in the community one who claims to be a prophet or to be the recipient of certain revelations through the medium of dreams and confirms his claims by giving certain signs or portents which come to pass as he declares, be not misled by him—even though his statements be thus well attested—if he endeavors to

persuade you to worship other gods than Jehovah. In God's providence he is allowed thus to tempt you in order to test the strength of your love. Be true to the Lord your God and to his commands, for this duty is supreme over all others. As for the one who sought to mislead you, he is guilty of treason against your divine King and Protector and is a menace to the welfare of the community. Therefore put him to death as a criminal and thus deliver the state from a source of danger.

Also a near relative or friend (13 : 6-11)

Similarly, if your own brother, or son or daughter or wife or most intimate friend in secret seeks to influence you to join in worshipping any god whatever, other than Jehovah, be not misled nor show pity to the traitor by concealing his crime. It is your duty to take the initiative in putting the guilty one to death and the community shall assist you. His crime is so insidious and deadly that he shall be publicly stoned that all members of the community may be impressed and deterred from committing a similar enormity.

A town guilty of apostasy to be destroyed and its inhabitants slain (13 : 12-18)

If it be proven, after careful investigation, that the inhabitants of any Israelitish town have been influenced by certain apostate Hebrews to abandon the worship of Jehovah, then it is the duty of the nation to slay all the citizens of that town and to spare nothing alive—not even the animals. The spoils also shall be gathered together in the open squares of the town and burned. Nothing shall be left or taken away, but everything of value shall be de-

stroyed, and the town shall be reduced to a ruin; for only in this way is it possible to avert the righteous indignation of Jehovah and to secure that prosperity and favor which he will bestow upon an obedient nation.

3. *Idolatry* (Ex. 34: 17; 20: 23, 4-6; Dt. 5: 8-10; 16: 21, 22; 7: 5; 12: 2, 3; 27: 15; 4: 15-28; Lev. 19: 4; 26: 1)

Primitive Codes.

Prohibition of molten idols (Ex. 34: 17; 20: 23)

(J) The Hebrews shall not, like the Canaanites, set up at their public shrines, as objects of their worship, representations in metal of the traditional Semitic gods.

(E^s) They are absolutely forbidden to worship any images of silver or gold.

Primitive and Deuteronomic Codes.

Prohibition of all idols (Ex. 20: 4-6; Dt. 5: 8-10)[1]

No Hebrew shall worship in private[2] or in public the image of a deity, cut out of wood or stone, nor any representation of any object in all the universe, for Jehovah will tolerate no such infidelity but will punish it with the utmost severity. He will in turn be gracious toward all who love him loyally and faithfully do his will.

[1] The commandment, with its detailed explanation and exhortations, is repeated without important variation in Dt. 5: 8-10.

[2] Graven images made from wood, and sometimes stone (Ex. 21: 9), were unlike the molten images, inexpensive, and therefore like the *penates* of the Roman, common possessions of private individuals.

Deuteronomic Codes.

None of the chosen people of Jehovah shall, in imitation of the Canaanites, plant poles as sacred symbols[1] beside an altar[2] which they shall rear to the God of their race. Neither shall they set up any of those stone blocks or pillars which are revered by their heathen neighbors but which are loathsome to Jehovah because of their debasing associations. Avoidance of heathen symbolism (Dt. 16: 21, 22)

The Israelites must destroy all the ancient shrines on the high places and beneath the sacred trees where the former idolatrous inhabitants of Canaan worshipped their heathen gods. They must tear down their altars, shatter their stone symbols, burn their sacred poles, and cut into pieces their wooden idols that they may obliterate all traces and suggestions of the old debasing cults. Destruction of these heathen symbols (7: 5; 12: 2, 3)

In the public ritual of imprecation the priests shall declare: "A curse upon the man who causes an image of wood or metal to be made by an idol-maker and then sets up secretly as an object of worship this abominable thing;" and the people in chorus shall solemnly respond: "So may it be." A curse upon secret idolatry (27: 15)

In the solemn address which the writers of the Book of

[1] The Asherah was of wood and planted near the altars on the high places. It probably symbolized the sacred trees which were widely worshipped by the ancient Semites. Cf. Driver, *Deuteronomy*, pp. 202, 203.

[2] The law is evidently quoted from an old source, for the formula, "the altar which thou shalt make thee," is that of the primitive (cf. Ex. 20: 24), not of the Deuteronomic codes.

Idols are worse than meaningless to worshippers of a God who is spirit (4 : 15-24)

Deuteronomy put in the mouth of Moses, when the Israelites were about to enter the land of their abode, he exhorts them: "Remember that, on that memorable day when Jehovah revealed himself to you out of the flaming fire on Mount Horeb, you saw no objective form. Do not make the mistake of your heathen neighbors and think that the form of anything that lives in earth, air or water, or even the heavenly bodies worthily represents the invisible Spirit who has revealed his true character, as a God of omnipotent might and infinite love, in the remarkable deliverances which have come to you as a nation. Remember also that in the solemn covenant which you made with him you agreed to make and to worship no graven image. Woe to you, if you forget, for he will brook no rival in your affection and his judgment is as quick and destructive as the lightning flash.

National destruction and exile the penalty of idolatry (4 : 25–28)

"If, when you are settled in the land of Canaan, you or your descendants at any time turn to the worship of idols and thereby arouse Jehovah's righteous wrath, be assured that you will cease to exist as a nation and the few who survive wholesale destruction will, as exiles in a heathen land, worship the dumb, senseless, helpless idols which will prove their undoing."

Priestly Codes.

Jehovah, not idols, the true object of Israel's homage (Lev. 19 : 4; 26 : 1)

(P^{h}) Put not your trust in vain idols and do not set up images of wood and metal as the object of your worship. Do not imitate your heathen neighbors in rearing symbolic pillars or stones with representations of the deities

in relief. Pay not to these inanimate objects the reverence and homage due to Jehovah your God and Deliverer.

4. *Divination and Sorcery* (Ex. 22 : 18; Dt. 18 : 9-14; Lev. 18 : 3, 24; 20 : 23, 27; 19 : 26b, 31; 20 : 6)

Primitive Codes.

(E) A woman[1] [or man] who practises the heathen arts of sorcery shall not be allowed to live within the territory of Israel. Death or exile to a sorceress (Ex. 22 : 18)

Deuteronomic Codes.

To protect the Hebrews from the insidious temptations to apostasy no representatives of the heathen superstitions shall be tolerated in the land of Israel. All alike shall be expelled or put to death : those who sacrifice their children, those who claim that they are able to secure a message from the gods by means of the lot,[2] those who pretend to be able to render decisions by observing the clouds,[3] those who observe omens,[4] sorcerers, those who No form of heathen superstition to be tolerated in Israel (Dt. 18 : 9-14)

[1] Sorcery was practised by men as well as women, but more commonly by the latter, as is suggested by the form of the present law. So also among the Greeks and Babylonians.

[2] The Hebrew word translated "divination" occurs also in the Arabic, where it means to secure a divine decision by casting lots. For this purpose, among the Arabs, arrows marked with possible answers were placed in a quiver and then whirled until one fell out.

[3] The exact form of divination intended is doubtful.

[4] Usually the flight of birds. Among the Romans this class was represented by the augur.

claim to be able to compose spells and incantations, spiritualists who pretend [1] to consult ghosts and familiar spirits, or those who seek to inquire of the dead.[2] All these detestable superstitions were in vogue among the former inhabitants of Canaan and for that reason Jehovah drove them out before the Israelites.

Priestly Codes.

To avoid all heathen rites (Lev. 18 : 3, 24 ; 20 : 23)

(P^h) Let not the Hebrews imitate the detestable religious practices of the Egyptians and Canaanites, lest they be defiled thereby and forfeit Jehovah's favor.

Death to all who practise these rites (Lev. 20: 27; 19 : 26^b)

Any man or woman who practises spiritualism, claiming to be able to consult ghosts and familiar spirits, shall be treated as a public criminal and be stoned to death. His fate is the consequence of his own doing, for he deliberately played the traitor to Jehovah. The observing of natural omens and all kindred superstitions are also under Jehovah's ban.

Divine judgment upon all who consult them (Lev. 19 : 31; 20 : 6)

The Hebrews shall also never consult these representatives of heathen superstitions. Whoever believes in ghosts and familiar spirits and, forgetting Jehovah and his commands, turns to these for guidance will be destroyed.

[1] The Greek text translates "ventriloquists," suggesting the method whereby the deception was perpetrated.

[2] Apparently a comprehensive term including the two preceding and all other forms of spiritualism.

5. *Sacrifice of Children to Heathen Gods* (Dt. 12 : 29-31 ; 18 : 10[a] ; Lev. 18 : 21[a] ; 20 : 2-5)

Deuteronomic Codes.

Human sacrifice not to be tolerated in Israel (Dt. 12 : 29-31 ; 18 : 10[a])

When Jehovah has destroyed before you the former inhabitants of Canaan make not the the mistake of thinking that you must worship the ancient gods of the land. To Jehovah the practices of these corrupt Canaanites are in the highest degree displeasing, for in their blind superstition they even offer their children as burnt offerings to their gods. Tolerate no one in your midst who commits this double crime of apostasy and injustice.[1]

Priestly Codes.

Any one guilty of it to be put to death (Lev. 18 : 21[a] ; 20 : 2, 3)

(Ph) Let no Israelite sacrifice his offspring to the Canaanite god Moloch (Milk)[2] in accordance with the ancient heathen rite. The one who commits such a horrible crime

[1] The exact meaning of the expression "to cause to pass through the fire," is not clear, although it occurs frequently in the Old Testament. It suggests an ordeal in which the victim was made to pass through the flames, but it is employed apparently to describe the same rite as is designated in Lev. 20 : 2 as "giving one's seed to Moloch" (or Milk), and in Dt. 12 : 31 as "bringing their children to their gods." Human sacrifice certainly was in vogue among the peoples of Canaan.

[2] This god was worshipped extensively by the Phœnicians; and, judging from its form when translated into the Greek, the name should properly be vocalized Milk. The radicals are the same as those which appear in the name of the Ammonite god Milcom, but the two deities appear to have been distinct. The word itself means *King*, cf. Driver, *Deuteronomy*, p. 223.

shall be publicly stoned to death by the community, for by his treason he has brought disgrace upon Israel's religion.

Jehovah will not let the guilty go unpunished (Lev. 20 : 4, 5)

If the people of Israel fail to do their duty and to put to death such an impious criminal, Jehovah himself will execute judgment upon the culprit and upon his family and upon all in the community who unite or sympathize with him in the abominable rite.

6. *Blasphemy* (Ex. 22 : 28[a]; 20 : 7; Dt. 5 : 11; Lev. 19 : 12; 18 : 21[b]; 24 : 15[b], 16, 10-14, 23)

Primitive Codes.

Blasphemy (Ex. 22 : 28[a])

(E) Let no Israelite scorn or speak impiously of the God of his race.

Primitive and Deuteronomic Codes.

The divine name not to be misused (Ex. 20 : 7; Dt. 5 : 11)

(E) Let no Israelite vainly, impiously or for a base end [1] employ the sacred name which represents the character of his God, *for if he without a worthy purpose speaks the divine name, God will not overlook the offence.*

[1] The Hebrew idiom translated "in vain" has a variety of meanings and was probably used by the lawgiver to include the different types of sin which the figure suggested. It means (1) for nothing, purposelessly, with the implication of flippantly, and hence irreverently. (2) In the minds of the lawgivers swearing for nothing might also include certain forms of necromancy, divination and especially false prophecy. (3) Swearing to nothing, i.e., false swearing. (4) The expression also means for destruction, which would include the use of the divine name to harm another, as in a curse.

Priestly Codes.

(P^h) Do not defame the sacred name of Jehovah in swearing by it to what is untrue. Misuse of the divine name (Lev. 19 : 12)

(P^h) Do not treat irreverently the sacred name of your God. Whoever speaks scornfully or impiously of Jehovah commits a crime punishable by death. Whether he be a native or resident alien *it is the duty of the community to execute judgment by public stoning.* Death the penalty for blasphemy (Lev. 18 : 21^b ; 24 : 15^b, 16)

(P^s) It is recorded that when the Hebrews were in the wilderness the son of an Israelitess by an Egyptian husband, in a quarrel with an Israelitish man, used irreverently the sacred name of Jehovah and was brought before Moses for judgment. He caused the guilty blasphemer first to be led without the camp; then he commanded the witnesses to lay their hands upon the culprit; after that all the people united in stoning the guilty man to death. A traditional precedent of blasphemy punished (Lev. 24 : 10-14, 23)

7. *False Prophecy* (Dt. 13 : 1-5 ; [1] 18 : 19-22)

Deuteronomic Codes.

Whenever a prophet refuses to heed and proclaim the message which he receives from Jehovah, he shall be punished by God for his unfaithfulness. If, influenced by base motives, he perverts his sacred office and proclaims in Jehovah's name or in the name of heathen gods a message of his own fabrication, he shall pay for his Death to the prophet who speaks without a divine commission (Dt. 18 : 19-22)

[1] For the law commanding the putting to death of an apostate prophet who tries to lead the people into treason against Jehovah, compare p. 67.

crime with his life.[1] The fulfilment or non-fulfilment of his prediction shall determine whether the prophet, who spoke in the name of Jehovah, is true or false.

8. *Desecration of the Sanctuary and Sacred Things* (Lev. 19 : 30^b; Num. 4 : 17-20; 18 : 22; 3 : 38^b; Lev. 22 : 3; 7 : 20, 21)

In later Jewish thought the sanctity associated with Jehovah's person and his name (which represented his character) was extended to his sanctuary and the objects of his ceremonial service. The laws, which are found only in the Priestly codes, are characteristic of the later ritualistic development of Judaism.

Priestly Codes.

Reverence of the sanctuary (Lev. 19 : 30^b)

(P^h) The Israelites shall regard the sanctuary of Jehovah with awe and reverence even as they do Jehovah himself.

Exclusion of all but the priests from the sanctuary (Num. 4 : 17-20; 18 : 22; 3 : 38^b)

(P^s) The Levitical family of the Kohathites shall have their appointed duties, but are forbidden ever to enter or behold the interior of the sanctuary lest Jehovah slay them. The Israelites also shall not approach to the sacred place where Jehovah especially reveals himself, lest they incur his displeasure and he punish them with death. A resident alien, who thus defiles the holy place, shall be put to death.

[1] Evidently here it is Jehovah who must execute the judgment, for the test required time and was not in all cases conclusive, since not all the detailed predictions of the true prophets were fulfilled and the false prophets doubtless sometimes made fortunate guesses.

(P^h) Any priest, who, when he is ceremonially unclean, touches the things which have been consecrated to Jehovah, shall become the object of Jehovah's destructive wrath. Pollution of sacred things (Lev. 22 : 3; 7 : 20, 21)

(P^t) Likewise any priest, who, when he is ceremonially unclean, eats of the portions of the sacrificial offerings due him, shall be punished with death by Jehovah.

9. *Labor on the Sabbath*[1] (Ex. 34 : 21; 23 : 12; 20 : 8-11; Dt. 5 : 12-15; Lev. 19 : 3^b, 30^a; 26 : 2^a; Ex. 35 : 2, 3; 31 : 13-17; Num. 15 : 32-36)

If the sabbath be of Babylonian origin or if it was known to the ancestors of the Hebrews, while they were still nomads, unable to cease from the daily care of the flock, rest from work was not at first its most prominent characteristic.[2] The fact that this is the chief element emphasized in the oldest Hebrew laws is suggestive of their comparatively late origin. In the prophetic decalogue it is first spoken of as a holy day as well as a day of rest. In the primitive code of Exodus 23 : 12 it is a day of rest for the refreshing of laboring beasts and men.

[1] The aim of the sabbath is variously interpreted in the different laws, so that a failure to observe it might either be designated as a crime against Jehovah or against man and beast. The order in the prophetic decalogue suggests the present classification.

[2] For a fuller treatment of the origin of the institution see the chapter on "The Pre-Exilic Calendar."

In the later Priestly codes it is designated as Jehovah's day, and absolute cessation from all secular labor is enjoined because it is holy to the Lord. Nothing is said of man's need. Thus before the close of the Old Testament canon, the sabbath ceased to be thought of as being for man, and instead man was conceived of as made for the sabbath—a conclusion which Jesus sternly condemned, thereby confirming the older and simpler and truer conception of its real character. The various motives urged by the different lawgivers for the observation of the sabbath are evidence of the varying conceptions of its significance. In one case the reason advanced is that all may rest, in another that especially the beasts and servants may have rest, in another it is because at the creation God himself set the example of resting on the seventh day, in another it is because the day is holy to Jehovah, in another it is to be observed as a memorial of the deliverance from Egypt, and in still another it is the sign of the covenant between Jehovah and his people. Throughout all the laws, however, the chief, as well as the first reason urged is that man may have the rest necessary for his best development. This is also in keeping with the meaning of the word sabbath, which is derived from a root which signifies to *remain standing*, to *rest*. Thus in the ultimate analysis sabbath observation is based upon the innate need of man for a regular and definite period of rest to insure his best physical, mental and spiritual development.

Experience and science, as well as the teaching of Jesus, confirm the law which God established when he made man what he is.

Primitive Codes.

(J) Six days shall every Israelite labor, but on the seventh shall he rest and refrain from all work, in the busy sowing time and harvest as well as in winter.[1] Prohibition of all work (Ex. 34 : 21)

(E) Six days shall every Israelite labor, but on the seventh shall he rest and cease from all work; that his beasts of burden and the members of his family may all regain their strength and energy. Rest for working beast and man (Ex. 23 : 12)

(E) So regard the seventh day of rest that you will observe it as sacred, distinct from all other days of the week. Observe the seventh day as sacred to Jehovah (Ex. 20 : 8-11)

Accomplish all your labor in the six preceding days that you may consecrate the seventh to God, doing in it no work and allowing no man or beast in your household to labor (P), thus following the example of God himself, who rested on the seventh day of creation and thereby consecrated it to rest.[2]

[1] The second part of this command appears to be an explanatory addition to indicate that the law has no exceptions. This is confirmed by its absence in Ex. 23, which here, as in the case of other commands, repeats the original portion of the primitive laws in Ex. 34.

[2] Although the idioms in verse 11 are slightly different from those used in Gen. 1 : 1 to 2 : 4[a], the resemblances are numerous and the idea is identical and peculiar to the priestly writers who probably added this supplement.

Deuteronomic Codes.

The sabbath consecrated to God and for the rest of laboring man and beast (Dt. 5: 12-15)

So observe the seventh day of rest that you will make it sacred, distinct from all other days of the week. Accomplish all your labor in the six preceding days that you may consecrate the seventh to God, doing in it no work and allowing no man or beast in your household to labor that your servants dependent upon you may rest as well as yourself. Forget not that you also were once serfs in the land of Egypt and that Jehovah by a mighty miracle delivered you from thence, and has commanded you to observe the seventh day of rest as a memorial of that deliverance.[1]

Priestly Codes.

Jehovah's day (Lev. 19: 3^b, 30^a; 26: 2^a).

(Ph) The Israelitish people shall faithfully observe, as sacred to Jehovah, his sabbaths even as he has commanded them.

(P) Six days shall be devoted to labor and the seventh

[1] The variations in the two versions of the fourth command found in Ex. 20 and Deut. 5 extend even to the original brief form where "Remember" is used in the one, and the more usual expression, "Observe," in the other. To the first a priestly writer has apparently appended, as the fundamental reason for observing the seventh day, the statement that Jehovah first set the example; while in the Deuteronomic version two distinct reasons are given: the one—in accord with the spirit of the Deuteronomic codes—is that man and beast may have an opportunity to rest; the other is that it is to keep the Hebrews in remembrance of their deliverance from Egypt and of their dependence upon Jehovah. This tendency to multiply reasons witnesses to the importance attached to the sabbath even before the exile.

shall be sacred to Jehovah, solemnly devoted to rest as he has commanded. The man who defiles the holy day by doing any work therein is guilty of a crime which shall be punished by death.[1] All secular work is absolutely forbidden on the sabbath, even the kindling of a fire in order to provide food for the family.

Death to the man who does any work on Jehovah's holy day (Ex. 35 : 2, 3)

(Ph) The Israelitish people shall observe the sabbath as sacred to Jehovah, *since it is a memorial of the covenant which has been established for all time between them and him*, and a reminder that, as the seventh day is set apart as sacred, even so have they been set aside by God. *Therefore the Israelite who labors on the sabbath shall be put to death.*[2] *Jehovah himself will execute the sentence upon the offender.* Let every Israelite sacredly observe this memorial of the holy covenant, for Jehovah himself at creation established this sign, resting after his six days of labor.

The sabbath the sign of the covenant between Jehovah and his people (Ex. 31 : 13-17)

(Ps) As illustrating the application of the sabbath law it is reported that while the Israelites were in the wilderness a man was found gathering sticks with which to build a fire on the

A traditional precedent (Num. 15 : 32-36)

[1] The Talmudic law punished by stoning to death as a traitor the one who persistently defied the authorities and openly violated this law. For unintentional work on the sabbath the culprit was compelled personally to sacrifice a sin-offering at the temple for each principal act of labor or for each sabbath thus violated, unless he entirely forgot the principle of sabbath observation, in which case one sin-offering sufficed.

[2] The later rabbis read this law, "Many deaths shall he die," and interpreted it to mean, "he shall bring a sin-offering which costs money."

sabbath. He was brought before Moses who, after consulting Jehovah, decided that all the people should take part in stoning the offender to death.[1]

IV

CRIMES AGAINST PARENTS

(Ex. 21 : 17; 20 : 12; Dt. 5 : 16; 21 : 18-21; 27 : 16; Lev. 19 : 3[a]; 20 : 9)

In experience, as well as in the minds of the biblical writers, obedience to human parents is closely related to obedience to God. The attitude of reverence, gratitude and loyalty toward those who begat and bore him is essential if the child is to develop the same feeling toward his divine Creator. Also in a social organization, like that of the Hebrews, based upon the family, the authority of the parents must be recognized, if the integrity of society was to be preserved. Hence the Israelitish lawgivers employed the most strenuous means to insure obedience. The Hebrew parent was recognized as the head of the family even after his children had attained to maturity, but, like the sheik of an Arab tribe, he had no power to compel obedience and reverence, except the influence of

[1] The motive which probably shaped this tradition is apparent. It belongs to the latest stratum of the written law and has many points of relationship with the haggadic literature.

custom and the consent of those concerned. In reality he had no such absolute authority over his offspring as did the Roman parent. Into the hands of the community, therefore, was placed the power and responsibility of punishing disobedience or disloyalty. Each of the codes authorizes the use of the extreme penalty, but no cases are recorded of its use. It seems to have been minatory rather than practical.

Primitive Codes.

(E) The son who deliberately calls down imprecations upon either of his parents shall be put to death by the ruling authorities. Death to the ingrate son (Ex. 21: 17)

Primitive and Deuteronomic Codes.

Show respect to the parents who bore you, even as Jehovah has directed[1] that you may thereby be assured of the long life and prosperity which he gives to those who faithfully discharge their filial duties. Filial piety and its reward (Ex. 20: 12; Dt. 5: 16)

Deuteronomic Codes.

If a son persistently and defiantly disobeys his parents' commands and does not respond even though they punish him, then they shall bring him before the elders at the gate of their village and shall publicly state that he is defiant, disobedient, profligate and intemperate. After the case has been presented, all the men of the town shall Public execution of a persistently disobedient son (Dt. 21: 18-21)

[1] This additional idea is peculiar to the Deuteronomic version.

join in stoning him to death that by a signal public example the community may be delivered from the dangerous crime of filial disobedience.

A curse upon the undutiful child (27 : 16)

(D[s]) In the public ritual of imprecation the priests shall solemnly declare : "A curse upon every one who is disrespectful or undutiful to either of his parents," and all the assembled people shall respond in chorus "So may it be."

Priestly Codes.

Filial respect (Lev. 19 : 3a) Death to the ingrate son (Lev. 20 : 9)

(P[h]) Reverence is due from every child to his parents. The son who deliberately calls down imprecations upon either of his parents shall surely be put to death by the proper authorities and the guilt of shedding human blood shall rest not upon their heads but upon his own.

V

CRIMES AGAINST PERSONS

1. *Murder* (Ex. 20 : 13; 21 : 12-14, 20, 21 ; Dt. 5 : 17; 19 : 1-13 ; Lev. 24 : 17, 21[b] ; Gen. 9 : 5, 6; Num. 35 : 14-34)

The authors of the different Old Testament codes accepted and never attempted to set aside this ancient custom of blood revenge, but simply endeavored to eliminate as far as possible the elements of injustice inherent in it. The details of their regulations differ widely and are sug-

gestive of their distinct date and origin. Until the Deuteronomic code was instituted, the altars of Jehovah at the different sanctuaries throughout the land served as asylums to which every man-slayer could flee, and thence the avenger could not pursue him without incurring the enmity of God under whose protection the fugitive had placed himself, Thus Joab fled to escape the vengeance of Solomon (1 K. 1:50; 2:28). The same right of altar asylum was recognized among the Greeks (Thucyd. 4, 98) and among other ancient peoples.

The authors of the primitive codes corrected a possible abuse of this right by enacting that a guilty murderer should be torn from the altar and punished. The story of Joab is evidence that this usage prevailed in the days of Solomon.

When the Deuteronomic codes centralized all ceremonial worship in Jerusalem and placed all other ancient altars under the ban, the mere matter of distance made the old right of altar asylum of little value to many, and necessitated the establishment of cities of refuge as substitutes for the destroyed shrines. The Priestly codes increased the number of cities from three to six (as was provided for in the Deuteronomic codes), and made the "congregation" as a whole, rather than the elders of the town from which the man-slayer came, the court of inquiry. The later system also made the death of the high priest the occasion for a general amnesty, when all inno-

cent man-slayers could safely return to their homes, thus still further neutralizing the injustice of the primitive custom of blood revenge. None of the codes, however, attempted to transfer the execution of the sentence to the community, but each left it to the avenger of blood.

The Old Testament does not give the names of the cities of refuge west of the Jordan. The fact that David granted Shemei his life as long as he remained in Jerusalem and that Solomon put him to death when he ventured beyond the city walls (1 K. 2:36-46) suggests that the institution antedates the Deuteronomic code and that, as might be expected, the temple city was also a city of refuge.

Deuteronomy 4 : 41-43 contains a list of the east-Jordan cities of refuge: Bezer in the wilderness for the Reubenites, Ramoth in Gilead for the Gadites, and Golan in Bashan for the Manassites. Although the passage comes from a date long after the fall of the northern kingdom, it probably correctly reflects earlier usage.

Primitive and Deuteronomic Codes.

General prohibition (Ex. 20 : 13; Dt. 5 : 17)

You shall never with malice aforethought take the life of a human being.

Primitive Codes.

(E) A man who assaults another with fatal results shall be punished with death. If the act be committed without premeditation and accidentally or in self-defence, an

altar-asylum shall be prepared whither the innocent man-slayer may flee and secure justice and deliverance from the avenger of blood. If, however, the man-slayer who seeks refuge at Jehovah's altar slew his victim with malicious intent, he shall be dragged from the altar and put to death.

Death for the murderer but altar asylum for the innocent man-slayer (Ex. 21 : 12-14)

Anyone who beats either his male or female slave so severely with a stick that the slave die in consequence, shall be punished as the authorities decide after a thorough investigation of the case.[1] If the injured slave survive for a day or two after the injury has been inflicted it shall be inferred that the master did not strike with an intent to kill. Since the slave is his chattel and the loss is therefore his, the owner shall not be punished whether the slave die or survive.[2]

Punishment of a master for murder of his slave (Ex. 21 : 20, 21)

Deuteronomic Codes.

When the Israelites have entered into possession of their land, they shall divide it into three districts and within each shall appoint an easily accessible city as a place of refuge to which every man-slayer may flee and secure justice, free from the hand of the avenger. If the territory

Establishment and functions of the cities of refuge (Dt. 19 : 1-13)

[1] The fact that a special law exists regarding the murder of slaves, and the absolute exemption of the master from punishment, in case the slave lives one or two days, and the underlying idea that the slave is the possession of the master, and therefore has only limited rights, indicate that the punishment intended was much lighter than the death penalty.

[2] Apparently no exception was made in the case of Hebrew slaves.

of Israel is extended, three additional cities of refuge shall be provided. If a man-slayer, who seeks refuge in one of these cities, slew his victim accidentally and without malice or premeditation, he shall be delivered from the avenger who seeks vengeance for the death of his kinsman; but, if after investigation the elders of his town conclude that the man-slayer was guilty of deliberate murder, he shall be delivered to them at their requisition and by them turned over to the avenger of blood. No mercy shall be shown him, for he is guilty and only by these drastic measures can the land of Israel be freed from crime.

Priestly Codes.

Penalty for murder (Lev. 24 : 17, 21b)

(Ph) Every murderer shall be put to death.

The heinousness of murder (Gen. 9 : 5,6)

(P) Whosoever murders a fellow man shall himself die by the hand of man, for God gave human beings intelligence, will and authority over created things which make them akin to the Divine himself.

Laws of the cities of refuge (Num. 35 : 14-29)

(Ps) Three cities on each side of the Jordan shall be established as places of refuge for the use of native Israelites, resident aliens and foreigners in the land, who accidentally slay a human being. If the deed be done with an instrument of iron or with a stone or with a wooden weapon, or if the man-slayer was at enmity with his victim, or assailed or treacherously attacked him, he is manifestly guilty, and the avenger of blood is justified in putting him to death whenever or wherever he finds the murderer. If, however, the act was unpremed-

itated or accidental the community as a whole shall investigate the case and, if the man-slayer is innocent, he shall be allowed to dwell in the city of refuge until the death of the high priest. While he remains there, the avenger shall not be allowed to touch him, unless he be overtaken without the limits of the city of refuge. At the death of the high priest, he may go anywhere with impunity.

Safeguards of justice (Num. 35: 30-34)

In all cases of murder two witnesses are required to convict. In the case of conviction no ransom shall be accepted to free the guilty from the death penalty, nor even to allow an innocent man-slayer to leave with impunity the city of refuge before the death of the high priest. Every act of bloodshed brings moral pollution upon the community, and can be removed only by the death of the man-slayer.

2. *Assault* (Ex. 21:15, 18-27; Dt. 27:24; Lev. 24:19)

Assault of parents (Ex. 21:15)

(E) The son who strikes his father or mother shall be put to death.

Penalty for injury inflicted in a fight (Ex. 21: 20-21)

If in a quarrel one man strikes another with a stone or his fist and the injured man lives, but is confined for a time to his bed and at length recovers so as to be able to walk with a cane, the man who struck the blow shall not receive corporal punishment, but must pay all the expenses of the injured and make full restitution for his loss of time.

If a man in a fight with another injures a pregnant woman so that a premature birth ensues, but without fatal

Penalty for injury to a pregnant woman (Ex. 21: 22-25)

results, the man shall pay the fine demanded by the woman's husband and confirmed by the judges. If harm results from the violence done, the culprit shall be punished in exact proportion to the injury inflicted.

Reparation for injury to slaves (Ex. 21: 26, 27)

If a master inflict irreparable injury upon a slave, the slave shall receive his freedom as compensation.

Deuteronomic Codes.

Treacherous assault (Dt. 27: 24)

(D^{s}) In the public ritual of imprecation the priests shall solemnly declare: "A curse upon every man who treacherously and undetected attacks his neighbor." [1] And all the assembled people shall respond in chorus: "So may it be."

Priestly Codes.

Penalty for assault (Lev. 24: 19)

(P^{h}) For every injury inflicted upon another the assailant shall be punished similarly and in exact proportion to the harm done.[2]

[1] A general designation for undetected crimes culminating in murder.

[2] According to the Talmud the assailant was liable to pay fines on five distinct counts: 1. Damage: that is, the injured man is appraised as though he was a slave, and his present value compared with his former, and the defendant pays the difference. 2. Pain: the defendant must pay the plaintiff as much as a man his equal would take to suffer such pain. 3. Healing: the assailant must employ a good reliable physician, and cause the injured one to be thoroughly healed. He was not allowed to use the services of a cheap quack, for a "physician who cures for nothing is worth nothing." 4. Loss of time: the injured one's time was considered as though he were the watchman of a pumpkin-field. 5. Disgrace: this to be determined in consideration of the rank of both parties.

3. *Personal Injury Due to Criminal Neglect* (Ex. 21 : 28-32)

Primitive Codes.

(E) If an ox fatally gore a man or woman it shall be stoned to death as a dangerous offender. Its flesh shall not be eaten. Its owner shall be held blameless unless it already had acquired the habit of attacking persons and the fact had been reported to him, in which case he also shall be stoned. If for extenuating circumstances a ransom is laid upon his life he shall pay it in full as demanded, whether the victim of his criminal neglect be a child or an adult. For the life of a slave he shall pay thirty shekels of silver to the master and shall lose his ox, which shall be stoned.[1]

Penalty for injury done by one's ox (Ex. 21 : 28-32)

4. *Kidnapping* (Ex. 21 : 16; Dt. 24 : 7)

Primitive and Deuteronomic Codes.

A man who steals a fellow Israelite, treating him as a slave or selling him into slavery, shall, if his guilt is established, be put to death.

Death the penalty (Ex. 21: 16; Dt. 24 : 7)

[1] The Talmud said that goring "covered any injury done by the ox with horn, tooth or foot. It declared any domestic animal non-vicious, unless he had been known to gore within three days. The tooth and foot of any animal, however, were considered always vicious. Damages were assessed in money, and collected from that which had money value. For the hurt done by a non-vicious ox, the owner paid one-half the damage from money realized from the sale of the animal's body. Thus for all injuries received through another's neglect, fines were imposed in lieu of the death penalty.

VI

CRIMES AGAINST SOCIETY

Like most primitive peoples, the Israelites severely punished crimes against social morality. Therein they perhaps erred less than most modern nations whose laws are disgracefully lax in this regard. It is a grave question whether it is the greater crime to take life as a murderer or to bring into existence beings whose life, because of their inheritance, is from the first a curse to themselves and to society. The high ideals of purity emphasized by the Old Testament laws are in striking contrast to the debasing usages which they are intended to correct. Likewise the standards of mercy and justice and truth, which this group of regulations emphasize, are clearly those of Israel's greatest prophets, whose dominant aim was the realization of perfect social conditions in the life of their nation.

1. *Adultery* (Ex. 20 : 14 ; Dt. 5 : 18 ; 22 : 22-24 ; Lev. 18: 20 ; 20 : 10 ; Num. 5 : 12^{b}-31)

Primitive and Deuteronomic Codes.

General prohibition (Ex. 20 : 14 ; Dt. 5 : 18)

Let no Israelite be unfaithful to the marriage vows and enter into illicit relations with another.

Deuteronomic Codes.

If a man be discovered committing adultery with a married woman, both shall be put to death, that the Israelitish people may be free from this obnoxious evil. Likewise, if the woman be a maiden betrothed to another man and the act was committed within the city where it was possible for her to have offered effectual resistance, both she and her seducer shall be put to death by stoning.

Death the penalty for adultery (Dt. 22 : 22-24)

Priestly Codes.

(P^h) If a man commits adultery with another man's wife both shall be put to death.

The punishment (Lev. 18 : 20 ; 20 : 10)

(P^t) If a husband suspects that his wife has secretly committed adultery with another man, and if, after the appointed test has been imposed,[1] her guilt is established, she shall become an outcast, despised by all and afflicted with the loathsome disease which Jehovah will send upon her in punishment of her secret crime.

Penalty for adultery suspected but not proven by witnesses (Num. 5 : 12^b-31)

2. *Rape* (Dt. 22 : 25-27)

Deuteronomic Codes.

If a man find a young woman, betrothed to another, alone in an uninhabited place and ravishes her, the girl shall be innocent, for she had no way of resisting, but the man shall be put to death.

Death the penalty for rape (Dt. 22 : 25-27)

[1] For details of the test cf. subsequent section, "Rights of Husbands and Wives."

3. *Seduction* (Ex. 22:16, 17; Dt. 22:28, 29; Lev. 19:20)

Primitive Codes.

Penalty for seducing a virgin (Ex. 22:16, 17)

(E) If a man seduce a virgin not betrothed, he must pay the usual marriage dowry and take her as his wife. If her father refuses to consent to the marriage, the man shall simply pay the dowry.[1]

Deuteronomic Codes.

Penalty at a later date (Dt. 22:28, 29)

If a man seduce a virgin not betrothed,[2] he must pay her father a marriage dowry of fifty shekels of silver and must take her as his wife and shall not have the right of ever divorcing her.

Priestly Codes.

Seduction of a female slave (Lev. 19:20)

(P[h]) If a man seduces a female slave, even though she is betrothed to another, but not set free, both shall be punished as the authorities shall determine; but not with death, for she was a slave and therefore subject to special laws.

[1] Seduction of a betrothed maiden (Dt. 22:25-27) was treated as adultery and punished by death.

[2] Apparently the refusal of the father is not considered sufficient to prevent marriage in this later code and the right of divorce is withdrawn as a further safeguard.

4. *Unlawful Marriages* (Dt. 22 : 30; 27 : 20, 22, 23; Lev. 18 : 6–18; 20 : 11, 12, 14, 17, 19-21)

Deuteronomic Codes.

A man shall not marry his stepmother, for it is an act of impiety toward his father.[1] Marriage with stepmother (Dt. 22 : 30)

(D[s]) In the public ritual of imprecation the priests shall solemnly declare: "A curse upon every man who marries his stepmother, or mother-in-law, or sister or half-sister," and all the assembled people shall respond in chorus: "So may it be." A curse upon certain forms of incest (27 : 20, 22, 23)

Priestly Codes.

(P[h]) Marriage is forbidden between near kinsfolk. It is illegal for a man to marry his mother, his stepmother, his full sister or half-sister, his granddaughter, his aunt, or the wife of his uncle, his daughter-in-law, his sister-in-law, his wife's child or grandchild (by a previous marriage), or two sisters, while both are living, lest they be jealous of each other. Persons between whom marriage is illegal (Lev. 18 : 6-18)

(P[h]) If a man marry his stepmother or daughter-in-law both the guilty parties shall be put to death. Punishment (Lev. 20 : 11, 12, 14, 17, 19-21)

If a man marry both a mother and a daughter they have committed a shameful crime. All three shall be burnt to

[1] Many examples of marriage of a son with the wives of his father are recorded in Hebrew history, cf. Gen. 35 : 22; 49 : 4; 2 S. 3 : 7; 16 : 22; 1 K. 2 : 22. They are condemned by Ezekiel (22 : 10).

death,[1] for such an unnatural act cannot for a moment be tolerated in Israel. If a man marries his half-sister they shall both be destroyed[2] and their fate shall be a just reward for their criminal conduct. A man shall not marry his aunt, for they are near of kin and the consequences of their guilt shall be upon their heads. If a man marries his uncle's wife or sister-in-law, childlessness shall be the punishment of their crime.

5. *Sodomy*[3] (Dt. 23 : 17, 18 ; Lev. 18 : 22 ; 20 : 13)

Deuteronomic Codes.

Prohibition (Dt. 23 : 17, 18)

No Israelite shall prostitute himself—as do the immoral Canaanites—in the service of a deity, nor shall the gains of that vile practice be brought into Jehovah's temple in payment of a vow.

Priestly Codes.

Death the penalty (Lev. 18 : 22; 20 : 13).

(P[h]) For one man to have intercourse with another, as between the sexes, is an abomination to Jehovah. Both

[1] The expression is apparently purposely obscure, leaving the matter in doubt whether judgment is to be executed by Jehovah or the community.

[2] Probably stoned to death and their bodies burned, thus being denied the right of burial.

[3] The term is derived from the story preserved by the Jehovistic prophetic historian in Gen. 19 : 4-8, which tells of the demand of the people of Sodom that Lot permit them to satisfy their lusts with the men who had come as guests to his home and whom later developments proved to be heavenly beings. In antiquity this vile practice was usually performed under the name of religion.

shall be put to death. The consequences of their guilt shall be upon their own heads.

6. *Unnatural Lusts* (Ex. 22:19; Dt. 27:21; Lev. 18:23; 20:15; 18:19; 20:18)

Primitive Codes.

(E) Whosoever has sexual intercourse with a beast shall be put to death. Bestiality (Ex. 22:19)

Deuteronomic Codes.

(D^s) In the public ritual of imprecation the priests shall solemnly declare: "A curse upon the one who has sexual intercourse with any beast," and the assembled people shall respond in chorus: "So may it be." A curse upon bestiality (Dt. 27:21)

Priestly Codes.

(P^h) The man or woman who so far violates the laws of nature as to have sexual intercourse with a beast, shall be put to death together with the beast. Death the penalty of bestiality (Lev. 18:23, 20:15)

If a man has sexual intercourse with a woman during her recurring period of sickness, both shall be destroyed because they have sinned against the laws of nature and decency. Lack of decency (Lev. 18:19; 20:18)

7. *Prostitution* (Dt. 23:17, 18; 22:13-21; Lev. 19:29; 21:9)

Deuteronomic Codes.

No Israelitish woman shall, as do the immoral Canaanites, prostitute herself in the service of a deity, nor shall Prohibition (Dt. 23:17, 18)

the gains of that vile practice be brought into Jehovah's temple in payment of a vow.[1]

Penalty for secret prostitution (22 : 13-21)

If a man soon after his marriage alleges that his wife, when he married her, was not a virgin, her parents shall lay before the elders of the city, as they sit in judgment at the gate, the evidence of her virginity. If they establish their claim the elders shall punish the husband with stripes and impose upon him a fine of one hundred shekels of silver which shall be paid to the father of the girl whose reputation has been falsely attacked. The husband must also take back his wife, never to divorce her. If, however, the charge was true and the wife's innocence cannot be established, the men of the city shall stone her to death at the door of her father's house, for she became a prostitute in her own home and only by these severe measures can the social purity of Israel, which was endangered, be preserved.

Priestly Codes.

Making a daughter a prostitute (Lev. 19: 29)

(P^h) Let no Israelite degrade and disgrace his daughter by making her a public prostitute, lest the Israelitish nation become morally corrupted and an example of shamelessness rather than of righteousness.

[1] The pre-exilic designation of a harlot (*Kedēshāh*—consecrated) indicates that the prostitution was originally practised at the temple and in the name of the deity. That it was common in ancient Israel is suggested by the story of Gen. 38 : 14 and by the frequent references to the *Kedēshim* and *Kedēshōth* in Israel.

(P[h]) The daughter of a priest, who becomes a public prostitute, disgraces her father and his sacred office. For her impious crime she shall be burnt with fire.[1] Penalty in special cases (Lev. 21:9)

8. *Indecent Assault* (Dt. 25:11, 12)

Deuteronomic Codes.

When two men are fighting together and the wife of the one, in attempting to help her husband, resorts to indecent measures, her hand shall be cut off as a punishment. The authorities shall show no leniency, but vigorously carry out the sentence. Penalty (Dt. 25:11, 12)

9. *Interchange of the Dress of the Sexes* (Dt. 22:5)

Deuteronomic Codes.

A woman shall not wear the characteristic costume of the male sex, nor a man that of the female, for an interchange of garments is supremely displeasing to Jehovah. Prohibition (Dt. 22:5)

10. *Making Unnatural Mixtures* (Dt. 22:9-11; Lev. 19:19)

Deuteronomic Codes.

Mixtures of species are contrary to the law of nature and therefore displeasing to Jehovah.[2] Do not sow a Prohibited combinations (22:9-11)

[1] Probably being first publicly stoned.

[2] Cf. "the animal after its kind, fowl after its kind," etc., of Gen. 1:11, 12.

vineyard with different kinds of seed under penalty of forfeiting to the sanctuary both the increase of the seeds sown between the vines as well as the fruit of the vines themselves. Also in ploughing a field do not harness an ox and an ass together as a team. Do not wear garments made of both wool and linen.

Priestly Codes.

Mixture of species (Lev. 19 : 19)

(P^h) Cattle of a different species shall not be allowed to breed with each other. Two different kinds of grain shall not be sown in the same field. A garment made of two kinds of material woven together shall not be worn.

11. *Exacting Interest from the Poor* (Ex. 22 : 25 ; Dt. 23 : 19, 20 ; Lev. 25 : 35-38)

Primitive Codes.

Cruelty to a poor debtor (Ex. 22 : 25)

(E) If you make a loan to a poor Israelite, you must not demand payment when he has nothing with which to pay, for you would thereby force him into slavery ; nor shall you insist that he pay you interest on a loan which was given to relieve his poverty.

Deuteronomic Codes.

Disregard of the law of brotherly kindness (Dt. 23 : 19, 20)

Since loans are made to relieve need, Israelites shall never exact from their fellow countrymen interest or compensation for favors. From foreigners alone shall they

demand them. A faithful observance of this law of brotherly kindness will insure Jehovah's blessing.

Priestly Codes.

(P[h]) A poverty-stricken Israelite shall be supported by his more prosperous fellow countrymen. They shall take no interest for money[1] which they loan him, nor compensation—other than the return in time of the same—for provisions with which they supply him.

Disregard of duty to the poor (Lev. 25: 35-38)

12. *Wronging the Defenceless* (Ex. 22:21-24; 23:9; Dt. 24:14, 15; 27:18, 19; Lev. 19:14, 33)

Primitive Codes.

(E) Let no Israelite take advantage of the dependence and defencelessness of the foreigners who have become members of the community, to do them an act of injustice or cruelty, *but let him always remember that his ancestors were once foreigners resident in the land of Egypt. Neither shall he wrong in any way those other helpless wards of Jehovah and the community: the widows and orphans.*[2] If he does, Jehovah will rise as their protector and will take vengeance upon him and *will bring disaster*

Jehovah's zealous care of the helpless (Ex. 22: 21-24; 23:9)

[1] For a fuller treatment of the question of interest among the Hebrew cf. Humanitarian Laws, sect. VII.

[2] Ex. 22:21[b], 22, 24, and 23:9[b] are evidently from their peculiar language and from the fact that in them the verb is suddenly changed from the singular to the plural (in the Hebrew) later hortatory additions.

upon the Israelites at the hands of their foes so that their wives shall become widows and their children orphans.

Deuteronomic Codes.

Consideration for the dependent (Dt. 24: 14, 15)

Whether a hired servant, who is poor and in need of all that is due him, be a Hebrew or a resident alien, pay to him each day before sunset his wages, for they mean much to him and, if disappointed, he might call down Jehovah's judgment upon you.

A curse upon those who forget (27: 18, 19)

(D^{s}) In the public ritual of imprecation the priests shall solemnly declare: "A curse upon every man who leads astray those who need a guide and patron, or who uses his influence or authority to do injustice to resident aliens, orphans and widows." And all the assembled people shall respond in chorus: "So may it be."

Priestly Codes.

Wrong to the helpless (Lev. 19: 14, 33)

(P^{h}) Let no Israelite be guilty of taking a treacherous advantage of his unfortunate neighbors to bring added calamity upon them or to profit by their weakness.

13. *Bribery* (Ex. 23 : 8; Dt. 16 : 19^{b}; 27 : 25)

Primitive and Deuteronomic Codes.

Its pernicious influence (Ex. 23:8; Dt. 16: 19^{b})

Let no man accept a bribe, for a bribe obscures his sense of right and influences him to make wrong statements and judgments.

Deuteronomic Codes.

(D[5]) In the public ritual of imprecation the priests shall solemnly declare: "A curse upon the judge or witness who for the sake of a bribe condemns or leads to the condemnation of an innocent person," and all the assembled people shall respond in chorus: "So may it be." A curse upon the one perverted by bribery (Dt. 27 : 25)

14. *Perverting Justice* (Ex. 23 : 1-3, 6, 7; Dt. 16 : 19[a], 20; Lev. 19 : 15, 35[a])

Primitive Codes.

(E) Do not accept or give currency to a slanderous report; do not conspire with others to render misleading testimony; do not be influenced by mere numbers to testify to what you know to be false, and thus pervert justice; do not be led by your sympathy for a poor man to show him partiality in rendering a judicial decision; on the other hand do not do him injustice because he is poor and without influence. Be not involved in any attempt to pervert justice and to condemn those who are innocent of the charges preferred against them, for Jehovah will not condone such insidious and deliberate crimes as these. Injustice in the public tribunals (Ex. 23 : 1-3, 6, 7)

Deuteronomic and Priestly Codes.

In rendering decisions be not influenced by the position and power of the litigants to do injustice to either, for only as Israel's judges are absolutely loyal to the divinely-given sense of right, can they and their land be assured of prosperity and Jehovah's favor. Judicial partiality (Dt. 16 : 19[a], 20; Lev. 19 : 15, 35[a])

15. *Lying* (Lev. 19 : 11[b])

Priestly Codes.

Prohibition (Lev. 19: 11[b])

(P[h]) In your relations with each other you shall not misrepresent or pervert the truth.

16. *Perjury* (Ex. 20 : 16 ; 23 : 1[b] ; Dt. 5 : 20 ; 19 : 16-21 ; Lev. 19 : 12 ; 5 : 1, 4-13)

Primitive and Deuteronomic Codes.

Prohibition (Ex. 20 : 16 ; 23 : 1[b] ; Dt. 5 : 20)

Let no man render untrue testimony against another.

Deuteronomic Codes.

Penalty (Dt. (19 : 16-21)

If in a case between two parties a witness renders false testimony, and, if after careful investigation the judges are convinced of his guilt, he shall be punished with the same penalty as would have been visited upon the innocent party had his misleading testimony been accepted. No leniency shall be shown to the malicious witness who commits this insidious crime, for it is an evil which cannot be tolerated.

Priestly Codes.

Prohibition (Lev. 19 : 12)

(P[h]) Let no Israelite defame the sacred name of Jehovah by swearing thereby to what is untrue.

Atonement for the sin of perjury (Lev. 5 : 1, 4-13)

(P[t]) Any witness, who fails, when under oath, to tell the truth and the whole truth, as he has seen or known it, shall be guilty ; and likewise a man who foolishly makes

under oath a promise which he is unable to fulfil. They must confess their sins and bring the appointed guilt-offerings to the priest, who shall therewith secure Jehovah's forgiveness for their crimes.

17. *Slander* (Ex. 23 : 1[a] ; Lev. 19 : 16)

Primitive Codes.

(E) Do not accept or give currency to a slanderous report. Prohibition (Ex. 23 : 1[b])

Priestly Codes.

(P[h]) Do not go about retailing stories, half-true or false, in regard to your neighbors. Gossip (Lev. 19 : 16)

18. *Covetousness* (Ex. 20 : 17 ; Dt. 5 : 21)

Primitive and Deuteronomic Codes.

Do not even in the secret of your heart cherish an envious desire to have for your own your neighbor's possessions, such as wife, *servants*, *lands*, *and cattle*.[1] Prohibition (Ex. 20 : 17 ; Dt. 5 : 21)

19. *Deliberate Defiance of the Law* (Dt. 17 : 12, 13 ; Num. 15 : 30, 31)

Deuteronomic Codes.

A man who in open defiance to law and order fails to act in accordance with the ruling of the supreme court at Death to the man who defies the public tribunals (Dt. 17 : 12, 13)

[1] The Deuteronomic version changes the order of the possessions, putting wife first instead of house, and adding field.

Jerusalem[1] shall be punished by death. It is the duty of the authorities to execute the sentence that the people may be impressed and deterred by fear from similar disobedience.

Priestly Codes.

Jehovah's judgment upon impious crime (Num. 15: 30, 31)

(P^t) The native Israelite or foreigner who, deliberately and with complete disregard of the laws of right, commits a heinous crime, does it in defiance of Jehovah himself and of his laws. By the divine Judge himself shall the culprit be destroyed.

VII

CRIMES AGAINST PROPERTY

1. ***Theft*** (Ex. 20 : 15 ; 22 : 1-4 ; Dt. 5 : 19 ; 23 : 24, 25 ; Lev. 19 : 11[a], 13[b] ; 6 : 2-7)

Primitive and Deuteronomic Codes.

General prohibition (Ex. 20 : 15 ; Dt. 5 : 19)

Let no man take for himself that which belongs to another.

Penalty for theft (Ex. 22 : 1)

(E) If a man steal an ox or a sheep and kill or sell it, he shall give in restitution five oxen for each ox stolen, and four sheep for each sheep.

Penalty for killing a thief (Ex. 22 : 2, 3[a])

If a thief is discovered breaking into a house at night and is mortally wounded, the man who killed him shall

[1] For the character and authority of this court compare Civil Laws, III. 3.

not be held guilty of murder;[1] but if the theft was in the day time, he shall be held responsible for the injuries which he inflicts upon the thief.[2]

If the thief recover from his wound, he shall make restitution for what he has stolen, and, if he has nothing with which to pay, he shall be sold as a slave. If that which he stole is found in his hands alive (if it be an animal), he shall simply pay double the value of the plunder.

Restitution for theft (Ex. 22: 3b, 4)

Deuteronomic Codes.

A man passing through his neighbor's vineyard or grain field may gather as much as he can eat on the spot; but he shall not be allowed to carry off anything in a vessel or to cut the grain with a sickle.

Theft from vineyard or field (Dt. 23: 24, 25)

Priestly Codes.

(P^h) You shall not rob or defraud your fellow Israelites.

Robbery (Lev. 19: 11a, 13b)

(P^s) If a man defraud a fellow Israelite in connection with money left with him, or in a contract, or by open robbery, or by unjust exactions, or by retaining something belonging to another which he has found, or by deceitful business methods, or by false representations, then on the day when his guilt is established he shall restore to the person defrauded the full amount and one fifth in addition. He shall also bring as a

Reparation for fraud (Lev. 6: 2-7)

[1] The same ruling is found in the Twelve Tables of the Romans and in the laws of Solon.

[2] The exact penalty is left indeterminate. It is to be decided by the judges according to the circumstances.

guilt-offering to the priest a ram without defect, and the priest shall offer it to the Lord to secure forgiveness for the man's crime.[1]

2. *Land Stealing* (Dt. 19:14; 27:17)

Deuteronomic Codes.

General prohibition (Dt. 19:14)

Let no man basely steal the land of his neighbor by secretly moving the ancient boundary stones so as to increase his own territory.[2]

A curse upon the offender (27:17)

In the public ritual of imprecation the priests shall solemnly declare: "A curse upon every man who steals land from his neighbor by moving the boundary stone;" and all the assembled people shall respond in chorus: "So let it be."

3. *Arson* (Ex. 22:6)

Primitive Codes.

Penalty: restitution (Ex. 22:6)

(E) If a man kindle a fire and it spreads to a field of grain, he shall pay in full for all damage resulting.

4. *Trespass* (Ex. 22:5)

Primitive Codes.

Penalty: restitution (Ex. 22:5)

(E) If a man allows an animal belonging to him to feed in his neighbor's field or vineyard, with the best products

[1] In this later code the ancient law of reparation of Ex. 22:1-4 has been modified and a characteristic ritualistic element introduced.

[2] The Old Testament codes indicate no definite penalty. Among the Romans this crime was punished by death (Plutarch, *Numa* 16).

of his own field or vineyard shall he make full compensation for all damage resulting.

5. *Use of False Weights and Measures* (Dt. 25 : 13-16; Lev. 19 : 35-37)

Deuteronomic and Priestly Codes.

Let no man cheat his neighbors in trade by using different weights or measures in buying and selling. Exact and unvarying weights shall be employed at all times, for dishonesty is supremely displeasing to Jehovah.

Dishonesty in business (Dt. 25 : 13-16; Lev. 19 : 35-37)

PRIVATE LAWS

PRIVATE LAWS

I

PERSONAL AND CLASS RIGHTS IN ISRAELITISH LEGISLATION

The private laws of the Israelites bear the stamp of their primitive, oriental origin. Equality is nowhere postulated for all members of the community. The men at the head of families are the only-ones who enjoy full rights. Sons, even though they have reached maturity, if their parents are still living, are subject to them. Wives and daughters are little more than chattels. In the earlier legislation resident aliens had no legal rights in the community. Gradually, however, in the later codes this inequality was corrected. Most of the private laws were devised in order to secure certain privileges and security to such classes as slaves, resident aliens and women, who had no political standing in the state. The rights of the free man were sufficiently protected by existing customs. It was also in keeping with the spirit reflected in the Old Testament that little is said of personal rights and much regarding those of the different classes which together

constituted the Israelitish community. Not until the great Teacher of Nazareth sought him out and told him of his high privilege and place in the universe did the individual as such enter fully into his birthright.

II

THE RIGHTS OF PERSONS

1. *Rights of Parents and Children*

(1) ***Honor and Obedience Due Parents from their Children*** (Ex. 21:15, 17; 20:12; Dt. 5:16; 21:18-21; 27:16; Lev. 19:3[a]; 20:9)

Primitive Codes.

Penalty for filial impiety (Ex. 21:15, 17)

(E) The son, who strikes or calls down imprecations upon the parents who bore him, shall be put to death.

Primitive and Deuteronomic Codes.

Filial piety and its reward (Ex. 20:12; Dt. 5:16)

Respect and loyal service are due from every child to his parents *and will insure to him who gives them long life, peace and prosperity.*

Deuteronomic Codes.

An incorrigible son to be publicly executed (Dt. 21:18-21; 27:16)

A son who persistently and defiantly disobeys his parents' commands and does not respond even though they punish him, shall be brought by them before the village elders. There the parents shall publicly state that

he is defiant, disobedient, profligate and intemperate; and then the men of the town shall join in stoning him to death, that by a signal public example the community may be delivered from the dangerous crime of filial disobedience.

Priestly Codes.

(P[h]) Reverence is due from every child to his parents, and the one who instead calls down imprecations upon either of them shall be put to death. Death to the ingrate son (Lev. 19: 3[a]; 20: 9)

(2) *Authority of Father over Unmarried Daughter* (Num. 30: 3-5)

(P[s]) Any vow or obligation assumed by an unmarried daughter while she is still residing in her father's house may be disannulled and set aside by him, in which case she shall be freed from all responsibility therefor. Father's will absolute (Num. 30: 3-5)

2. *Rights of Husbands and Wives* (Ex. 21: 7-11; Dt. 21: 10-14; Num. 5: 12[b]-27; 30: 6-8, 12-15)

The Israelites, like all oriental peoples, regarded the wife as the possession of her husband. He purchased her before she could become his wife, and she belonged to him as completely as his slaves or cattle. Although Hebrew thought did not favor the practice, Semitic law left the husband free to contract other marriages with impunity, provided he did not violate the rights of another man; but his wife belonged to him exclusively, and any

infidelity on her part was punishable by death. This glaring injustice was the inevitable consequence of the false oriental conception of marriage and of the place of woman in society. Accepting perforce the current ideas and customs, the Israelitish lawgivers endeavored, in accordance with their comparatively high sense of justice, to protect the wife where there was most danger that she would be wronged. Most of their laws, which have been preserved, have this one practical purpose.

Primitive Codes.

Rights of a female Hebrew slave married to her master or master's son (Ex. 21 : 7-11)

(E) If a man purchase as a slave the daughter of a fellow Hebrew in order that he may make her his concubine and then she does not please him, he may not sell her as a slave to any buyer, except to one who will make her his concubine, for he has promised her the rights of a wife and then failed to realize his promise; therefore to reduce her to the position of a common slave would be unjust. If he give her as wife to his son, she shall have all the rights and privileges of a daughter. If, on the other hand, he retains her as his concubine and in time also takes another wife, he shall not cease to provide in ample measure food and clothing, and to perform the duties of husband toward his concubine. If in any one of these three particulars the master fails to comply with this law, the slave shall receive her freedom in compensation.

Deuteronomic Codes.

If a Hebrew makes a woman captured in war his wife and in time grows tired of her, he may divorce her, but may never sell her into slavery, for he has entered into an intimate relation with her as his wife which must not be ignored. A captive married to a Hebrew to receive her freedom if divorced (Dt. 21: 10-14)

Priestly Codes.

(P^t) If a husband suspects on good evidence that his wife has secretly committed adultery with another man, although he is unable to present any witnesses of the crime, he shall bring her with the proper offering to the priest at the sanctuary. Then the priest shall seat her in the sanctuary with her hair unloosed and with the meal offering in her hand. In an earthen vessel he shall mix dust gathered from the floor of the sanctuary with holy water; and, before he gives it to her to drink, he shall cause her solemnly to subscribe to the following oath: "If you are innocent of the charge which is brought against you, may you be delivered from the evil effects of this potion, but if not, may Jehovah make you accursed among your people and may this drink cause your body to swell and your thigh to wither away." After the woman has taken the oath and it has been recorded in a book by the priest, he shall offer the meal offering and cause her to drink the potion. Then, if she is guilty, it will affect her as specified in her oath and she will be despised by all A test of infidelity in a wife (Num. $5: 12^{b}\text{-}27$)

because of her guilt; but if she is innocent, then she will not be harmed by the drink and her husband shall restore her to the rights of a wife.

Authority of husband over his wife (Num. 30: 6-8, 12-15)

(P^{s}) If a married woman has taken a vow or assumed some solemn obligation either before or after her marriage and her husband make no objection to it when he learns thereof, it shall be binding upon her; but if he repudiates the vow or the obligation which she has rashly assumed, it shall cease to be binding and she shall not be held responsible therefor by Jehovah. A husband may thus set aside any vow or obligation assumed by his wife, as soon as he learns of it; but if he raises no objection until several days have elapsed after his being informed, he may still make them null and void, but the responsibility and guilt which results from the breaking of her vows rest upon him.

3. *Rights of Masters and Hired Servants* (Dt. 24 : 14, 15; Lev. 19 : 13^{b}; 25 : 6; 22 : 10^{b}; Ex. 12 : 43^{b})

Deuteronomic and Priestly Codes.

Prompt payment of wages (Dt. 24 : 14, 15; Lev. 19 : 13^{b})

No employer shall wrong a hired servant, whether he be a native-born Israelite or foreigner, by failing to pay him his wages at the close of the day.

Priestly Codes.

Right of hired servants on year of jubilee (Lev. 25 : 6)

(P^{h}) Hired servants shall share together with their employers and all classes in the community the products of the land during the (fifteenth) sabbatical year.

(P[h]) Unlike the household slaves in a priestly family, foreigners and hired servants shall not be allowed to eat of the food consecrated in connection with the ceremonial, (P) nor shall they partake of the passover meal.

Ceremonial restrictions placed upon hired servants (Lev. 22 : 10[b]; Ex. 12 : 43[b])

4. *Rights of Masters and Slaves*

Slavery among the Israelites was something fundamentally different from what it was among the Greeks and Romans and in later times among Christian nations. At the stage of civilization represented by the Old Testament legislation there was much that was good associated with it. In the ancient East obedience to authority was more prominent than the idea of personal liberty. Children were subject to parents, wives to their husbands, men to their tribal elders, and, under the monarchy, all to the king. Obedience to the will of another was a source of satisfaction rather than dissatisfaction. The position of a slave was regarded as no more degrading than that of a family servant to-day, for a worthy slave enjoyed the esteem and confidence of the master and might aspire to marriage into the family which he served. Justice and consideration were given him by custom and in certain instances guaranteed to him by law. In turn he was assured of food, protection, and a home, and could share almost on an equality with the children of the household all its privileges and pleasures. It is very significant that both the Primitive and Deuteronomic codes provide for

the evidently not infrequent possibility that a Hebrew may prefer to remain a slave all his life rather than receive his freedom.

Among the Hebrews, as among all primitive people, slavery probably grew out of the custom of taking captives in war. Later a traffic in slaves sprang up which brought some foreign slaves to the Israelites. Slavery was also the penalty of bankruptcy and the final refuge of the poor man, for by giving up his freedom he could in the last resort secure thereby those things for the need of which he was perishing. It was also the penalty for theft when the robber had not that with which to satisfy the demands of the law. Finally parents had the right to sell their children as slaves, not to foreigners, but to their own countrymen. In this way apparently the poor often saved themselves from ruin. Especially common was the sale of marriageable daughters, who became thereby the concubines of their masters and therefore legal members of his family with the full rights of a wife.

Since slaves were regarded as members of the household, they appear rarely to have been resold, especially if they were Israelites. In theory at least only foreign slaves remained such permanently unless by choice. Whether or not the custom of manumitting Hebrew slaves at the end of the sixth year, or, in accordance with the later law, at the year of jubilee, was generally in vogue cannot be determined absolutely. The indications are that the laws

enjoining it were not usually enforced.[1] Otherwise foreign slaves seem to have enjoyed all the privileges of native born. The laws protecting the rights of slaves are in striking contrast to the practice of the Romans, although of course they do not anticipate the later ideas of the equality of all mankind. No master could kill his slave with impunity, and serious injury to a slave was compensated for by the granting of his liberty. Slaves, as well as their masters, were also permitted to participate in the public offerings and the passover feast, although resident aliens were definitely excluded by a later Priestly law.

The Israelitish lawgivers sought in each succeeding code to protect more and more the rights of slaves, especially if they were native born. Thus, for example, the Primitive codes simply commanded that Hebrew slaves be set free after six years of service; the Deuteronomic codes added that their masters must not send them forth empty handed; while the Priestly codes enacted that Hebrews should not be enslaved, but rather treated as hired servants, during the period required to discharge their indebtedness. Every possible provision was also made for their redemption, should they or their kinsmen later be able to raise the required sum.

A comparison of the position of slaves among the ancient Babylonians and Assyrians is instructive. In gen-

[1] Cf. p. 225.

eral their condition was very similar to that of Hebrew slaves. They apparently enjoyed even greater rights. They could hold property in their own name, carry their cases before the public tribunals, and testify in court. Instances are recorded in which, owing to financial losses, the relation of master and slave was completely reversed. References are not infrequent to loans made by slaves to their owners. There is no evidence, however, that there were any provisions for their manumission at the end of a given period of service.

(1) *Enslavement of Israelites and Aliens* (Lev. 25: 39, 40, 42, 44-46.)

Priestly Codes.

Complete and cruel enslavement of Hebrews forbidden (Lev. 25: 39, 40, 42, 46b)

(Ph) If an Israelite becomes so impoverished that he is obliged to sell himself as a slave to a fellow Israelite, he shall be treated, not as a regular slave, but as a hired servant or a resident alien, his master standing in the relation to him of employer and patron; (P) for every member of the race which Jehovah redeemed from Egypt belongs to him and therefore cannot be sold into slavery.

(Ph) No Israelite shall treat a member of his own race with cruelty or lack of consideration.

Enslavement of foreigners legitimate (Lev. 25: 44-46a)

(P) Foreign slaves and the children of resident aliens may, however, be purchased by the Israelites and held perpetually by them and by their descendants.

(2) *Permanent Slavery* (Ex. 21: 4-6; Dt. 15: 16, 17)

Primitive Codes.

The custom of piercing the ear of a voluntary slave (Ex. 21: 4, 6)

If a slave, who has been given a wife and has reared children while in bondage, shall plainly declare that he loves his family and prefers to remain in slavery with them to going out free without them, his master shall bring him before the priestly judges at some sanctuary[1] and the priest[2] shall conduct the slave to the door-post of the sanctuary and there his master shall pierce his ear with an awl as a token of his hearing and heeding the will of his master as long as he lives.[3]

Deuteronomic Codes.

The later customs (Dt. 15: 16, 17)

When the many sanctuaries throughout the land were declared illegal and it was not convenient for all to go up to Jerusalem, the rite of piercing the ear of a slave entering into permanent bondage was performed by the master at the door-post of his own house; and was the same for both male and female slaves.

[1] Literally, "unto God." This peculiar expression occurs again in Ex. 22: 8, 9, where it plainly refers not to the house-god, which was placed near the door in private houses, but to the priestly judges at the sanctuaries, who, as the guardians of Jehovah's oracle, were regarded as his representatives.

[2] The implied subject must be the priestly judge, for the master is introduced only later as the subject of a following verb.

[3] Piercing the ear of a slave as a sign of his bondage was common among many ancient peoples, including the Arabians, Lydians and Carthaginians.

(3) *Sale of Slaves* (Ex. 21 : 7, 8)

Primitive Codes.

Limitations (Ex. 21 : 7, 8)

(E) A Hebrew maiden, sold by her father to another Hebrew with the understanding that she is to become his concubine, may not again be sold by her master as a common slave.

(4) *Manumission of Israelitish Slaves* (Ex. 21 : 2-4, 26, 27; Dt. 15 : 12-15, 18; Lev. 25 : 10)

Primitive Codes.

Released after six years of service (Ex. 21 : 2-4)

(E) After serving six years, on the seventh every Hebrew slave shall receive his freedom without paying anything for his ransom. If married when his period of bondage began his wife and family shall receive their freedom with him. If, however, his master gave him a wife during his period of bondage, she and the children born to them shall continue to be the possession of the master.

Liberty the compensation for serious personal injury (Ex. 21 : 26, 27)

If a master strikes his slave so as to destroy his eye or tooth (or any important member), the slave shall receive his liberty to compensate for the irreparable injury done to his person.

Deuteronomic Codes.

Generosity to the manumitted slave enjoined (Dt. 15: 12-15, 18)

A master shall not send forth a slave, who has served him the appointed six years, empty handed. He shall be generously provided with cattle, grain and wine according

as the master has been prospered, for otherwise the slave who has served him six years for nothing, doing twice as much as any hired servant, will soon be again reduced to penury and slavery. Let every Israelite remember that his ancestors were once slaves, delivered by Jehovah from the bondage of Egypt. If they remember and are generous to their slaves, Jehovah will prosper them in all their undertakings.

Priestly Codes.

(P) On the fiftieth year of jubilee every Israelitish slave shall receive his liberty and be allowed to return to his family and to claim again his ancestral possessions. All Israelites to be freed on the fiftieth year (Lev. 25 : 10)

(5) *Redemption and Rights of Israelites Sold to Resident Aliens* (Lev. 25 : 47-55)

Priestly Codes.

(P^h) If a foreigner or resident alien grows rich and he or his family acquire as a slave an Israelite who has become impoverished, the Hebrew has the right of buying back his freedom whenever he or any of his kinsmen have the means. The amount paid therefor shall depend upon the sum for which he was sold and the number of years remaining until the year of jubilee. If many years still remain he shall pay that part of the total sum for which he was sold represented by the ratio of the number of years he has already served to the entire number of years The right of redemption (Lev. 25 : 47-52)

from the date of his enslavement to the year of jubilee.[1] If only a few years remain he shall simply pay the equivalent of the hire of a servant according to the current wages for the time he would be required to serve before receiving his release.

Consideration (Lev. 25 : 53)

(P^h) Israelitish slaves owned by aliens shall be treated with the same consideration as hired servants. Cruelty or injustice toward them is forbidden.

Liberation (Lev. 25 : 54, 55)

(P) If not redeemed before, they and their children shall receive their freedom on the year of jubilee, for every Israelite belongs to Jehovah, who redeemed his people from the bondage of Egypt.

(6) *Reception of Fugitive Slaves* (Dt. 23 : 15, 16)

Deuteronomic Codes.

Humanity to be shown to an escaped slave (Dt. 23 : 15, 16)

If a slave escapes from cruel treatment at the hands of his foreign master and finds refuge in the land of Israel, he shall be allowed to dwell unmolested in whatever town he may choose as his home.

[1] That is, the original price of sale is to be multiplied by the number of years he has already served and the result divided by the number of years from the original sale to the year of jubilee.

(7) *The Penalty for Injury Done to Slaves* (Ex. 21 : 20, 21, 26, 27; Lev. 19 : 20-22)

Primitive Codes.

(E) A master who maltreats his slave so that death quickly ensues shall be punished as the judges shall decide after investigating the circumstances of the case. If the slave survive for a day or two, the master shall be acquitted, for the evidence of his cruelty is not so obvious and the loss of the slave is in itself a punishment. Fatal injury by master (Ex. 21 : 20, 21)

A slave who receives at the hands of his master a permanent injury, impairing his ability to support himself, shall receive his freedom in compensation.[1] Permanent injury by master (Ex. 21 : 26, 27)

(8) *Reparation for Injury Done to Slaves* (Ex. 21 : 321; Lev. 19 : 20-22)

Priestly Codes.

(P^h) If a man has intercourse with a female slave under contract to be married to another man and not yet redeemed or set free, they shall both be subject to the sentence imposed by the court after due investigation of the case. The death penalty, however, may not be inflicted, for one of the parties to the crime was a slave and therefore not responsible as a free person. Penalty for illicit intercourse between a freeman and a slave (Lev. 19 : 20)

To secure Jehovah's forgiveness for his crime the man

[1] For the law in regard to the compensation due a master for the loss of a slave cf. p. 91.

The man's guilt-offering (Lev. 19: 21, 22)

shall bring to the priest at the sanctuary a ram which shall be offered as a guilt-offering.

(9) *Religious Privileges of Slaves* (Dt. 12: 17, 18; 16: 10, 11; Ex. 12: 43b)

Deuteronomic Codes.

To share public offerings (Dt. 12: 17, 18)

When the Hebrews eat at the central sanctuary the tithes of their grain and wine and oil, and the firstlings of their herd and flock, and their votive and voluntary offerings, they shall share them with their children, their male and female slaves, and the Levites resident in their towns.

To participate in feast of weeks (16: 10, 11)

The Hebrews shall celebrate the feast of weeks by bringing to Jehovah's chosen sanctuary their voluntary offerings according as they have been prospered, and there with glad rejoicings shall share them with their children, their male and female slaves and the poor and dependent members of the community.

Priestly Codes.

To share in the passover feast (Ex. 12: 43b)

(P) No uncircumcised resident alien shall be permitted to participate in the passover feast; but family slaves, purchased by their master and duly circumcised, shall be allowed to partake thereof.

5. *Rights of Resident Aliens*

The Israelitish lawgivers, reflecting current usage, distinguished sharply between a foreigner (*ben nêkhâr*) and

one of non-Israelitish parentage—or in early times a member of another tribe—who had taken up his permanent residence in Israel and placed himself under the protection of the community and of its god (*gêr*), virtually identifying his interests with those of the people of his adoption. To the first class, the foreigners who retained their nationality and did not seek the protection of the tribe or community amidst which they found themselves temporarily, the Israelitish law guaranteed no rights. Their own nation or tribe was their champion.

The resident alien, however, was regarded very differently. In claiming the protection of the Israelitish tribe or community he severed his connection with the race or clan of his birth. The reasons influencing foreigners to identify themselves with the Israelites were many: intermarriage, purposes of trade, dissatisfaction with conditions at home, desire to escape the consequences of a crime or a blood feud, or simply the wandering instincts natural to many at all periods of the world's history. The varied band of retainers who gathered about David in his royal days is a good illustration of this usage. The enactments of the different codes in regard to the resident alien is richly suggestive of the changed attitude of the Israelites during the succeeding centuries. The Primitive codes simply urge that no Hebrew wrong him; he has no clearly defined rights. The Deuteronomic codes mark a great advance in public sentiment. Most of the enactments re-

garding him are still simply exhortations, but they enjoin not merely justice but also kindness, love and several forms of practical charity, calculated to relieve the poverty which was ordinarily the lot of the resident alien. They also conceded to him a part in the religious festivals of the nation, without holding him responsible for the observance of the ceremonial laws binding upon the Israelites.

In the later Priestly codes he is at last placed, provided he submits to the rite of circumcision, on practically a religious equality with the native Israelite, sharing in the feasts and offerings and under obligation to conform to the ceremonial regulations. The Deuteronomic law permitting him, for example, to eat of the flesh of animals dying a natural death is definitely abrogated. To all intents the resident alien was at last completely adopted into the community, although in certain respects he did not receive full political rights, as is illustrated by the law rendering it impossible for him to retain a Hebrew as his slave when offered the sum legally required for his redemption. With a very few exceptions, however, less perhaps in practice than in theory, he was subject and could appeal to precisely the same laws, civil and ceremonial, as the native-born Israelites. Thus as later Judaism built higher and higher the barrier between itself and the outside world, it took more completely to its heart all who unreservedly entered its ranks, preparing the way for

that important proselyting movement which began during the centuries preceding the advent of Christianity.

(1) *Justice and Kindness from the Native Israelites* (Ex. 22: 21; Dt. 24: 14, 17, 18; 1: 16; 27: 19; 10: 19; Lev. 19: 33, 34; 24: 16, 22; Num. 15: 29, 30; 35: 15)

Primitive and Deuteronomic Codes.

(E) Let no Hebrew defraud or take unjust advantage of the resident aliens who do not possess the rights of citizenship and who therefore are unable to defend themselves; but let the Hebrews always remember that they were once resident aliens in the land of Egypt.

Not to defraud a stranger (Ex. 22: 21; Dt. 24: 14, 17, 18)

Deuteronomic Codes.

(D^{s}) Let every Hebrew judge render impartial decision, whether the suit be between fellow Hebrews or between a Hebrew and a resident alien.

Impartial justice to him in Hebrew courts (Dt. 1: 16)

In the public ritual of imprecation the priests shall solemnly declare: "A curse upon the man who prevents a resident alien or other dependent member of the community from securing justice in the courts;" and the people shall respond in chorus: "So let it be."

A curse upon the man wronging him (27: 19)

In delivering the Israelites from Egypt, where they were strangers in a strange land, Jehovah showed his love for resident aliens; therefore let his people love and cherish them as they do their fellow Hebrews.

Practical love toward him (10: 19)

Priestly Codes.

Justice and love (Lev. 19: 33, 34)

(P[h]) Let no Israelite do an act of injustice to a resident alien, but rather let him always treat him as a native Israelite, and love him as a brother, remembering that his ancestors also were once resident aliens.

Subject to Israelitish law (Lev. 24: 16, 22; Num. 15: 29, 30; 35: 15)

The same laws covering all crimes and misdemeanors shall apply alike to resident aliens and native Israelites, and shall be impartially executed.

(2) *Practical Charity* (Dt. 16: 10-12; 14: 28, 29; 24: 19-22; Lev. 19: 9, 10; 23: 22; 25: 6)

Deuteronomic Codes.

Sharing the offerings of the feast of weeks with the resident aliens (Dt. 16: 10-12)

At the festival of weeks every Hebrew shall bring his offerings up to the chosen sanctuary of Jehovah and there shall share them with the members of his family, with the resident aliens, and the other needy members of the community, remembering all that Jehovah did for his race in its time of need.

The triennial tithe set aside for resident aliens (14: 28, 29)

Every third year the Hebrews shall store up a tenth of that which their ground has produced in public storehouses within their different towns. Thither the resident aliens, the fatherless and widows, shall come and eat of the stores to the full, for by such practical benevolence Jehovah's people's will secure his blessing upon their every undertaking.

Sheaves overlooked in the harvest, the last beating of

the olive orchards, and the final gleanings of the vineyards shall be left for the resident aliens, the widows and orphans. Gleanings of the harvest also to be left for them (24 : 19-22)

Priestly Codes.

(Ph) The grain which grows in the corners of the fields and the grapes which fall during the time of gleaning shall be left behind for the poor and the aliens residing in the land. Corners of the fields and fallen fruit (Lev. 19 : 9, 10; 23 : 22)

(Ph) During the fiftieth year of jubilee when the land is to lie fallow all that the ground produces of itself shall be shared equally by the owners, the resident aliens and the domestic and wild animals. The increase of the year of jubilee (Lev. 25 : 6)

(3) *Economic Limitations* (Dt. 15 : 1-3; 23 : 20; Lev. 25 : 47, 48, 53)

Deuteronomic Codes.

On the seventh year no creditor shall collect interest on a loan made to a Hebrew; but from a foreigner it may be demanded and payment enforced. No exemption from payment of interest (Dt. 15 : 1-3; 23 : 20)

Priestly Codes.

(P) The freedom of every Israelite sold for debt as a slave to a foreigner or resident alien may be purchased, whenever the slave or his kinsmen are able to pay the amount of the ransom as established by law. (Ph) If he is not redeemed he shall be treated with consideration as a hired servant, not cruelly as a slave. Inability to hold an Israelitish slave when a ransom is offered (Lev. 25 : 47, 48, 53)

(4) *Religious Limitations and Privileges* (Ex. 20: 10; 23: 12; Dt. 5: 14; 14: 21; Lev. 22: 12, 13; 17: 8–16; 22: 18-25; 18: 24-26; Ex. 12: 43-45, 48, 49; Lev. 16: 29; Num. 9: 14; 15: 14)

Primitive and Deuteronomic Codes.

To enjoy the sabbath rest (Ex. 20: 10; 23: 12; Dt. 5: 14)

The sabbath is a holy day of rest for all members of the community, including the resident aliens as well as the native born.

Deuteronomic Codes.

Things dying a natural death may be eaten by foreigners (Dt. 14: 21a)

While no Hebrew may eat anything which dies a natural death, it may be given to a resident alien or sold to a foreigner and eaten by him with impunity, for he does not, like the Hebrews, belong to Jehovah's holy people.

Priestly Codes.

No food consecrated by sacrifice (Lev. 22: 12, 13)

(P^h) No resident alien or priest's daughter, married to a resident alien (still living), shall be allowed to eat food which has been presented as an offering before Jehovah.

Resident aliens subject to same ceremonial laws as natives (Lev. 17: 8-16; 22: 18-25; 18: 24-26)

(P^h) The same laws in regard to bringing all offerings to the sanctuary, in regard to not eating the blood, in regard to eating animals dying a natural death or torn by beasts of prey, and in regard to the kind of animals suitable for sacrifice shall apply both to resident aliens and native Israelites.

(P) No foreigner shall be allowed to eat of the passover meal, not even a resident alien, unless he and all the

males of his household are circumcised. Having undergone this rite which distinguishes the Israelites as a nation, he shall enjoy equal privileges with the native born. Participation in the passover feast (Ex. 12:43-45, 48, 49)

(Ps) In the observance of the passover and the day of atonement, in offering burnt-offerings to Jehovah, and in all the details of the ritual resident aliens shall be governed by the same laws as native Israelites. Governed by the same regulations as the native Israelites (Lev. 16:29; Num. 9:14; 15:14)

6. *Rights of Widows and Orphans* (Ex. 22:22; Dt. 24: 17, 18; 27:19; 24:19-22; 14:28, 29; 16:11)

Primitive Codes.

(E) Let no Hebrew take advantage of the helplessness and defencelessness of the widow and orphan to wrong or oppress them in any way, for Jehovah himself is their champion and he will execute severe judgment upon the base perpetrator of such a crime. Injustice to them to be punished by Jehovah (Ex. 22:22)

Deuteronomic Codes.

Let no Hebrew use his authority or influence in any way to prevent the resident alien and fatherless from securing full justice when they appeal to the public tribunals; nor let any one be so heartless as to take the garment of a widow in pledge for a loan; but let the Israelites ever gratefully remember how Jehovah delivered them in their helplessness from Egypt. Impartiality and consideration due them from every Israelite (Dt. 24:17, 18; 27:19)

The forgotten sheaf, the last gleanings of the olive

Practical charity (24: 19-22)

orchard and vineyard shall be generously left to alleviate the needs of the resident aliens, the fatherless and the widows in the community.

The triennial tithe (14: 28, 29)

Likewise one-tenth of all the product of the ground shall be stored up each third year in the different towns for the free use of the poor Levites, the resident aliens, the fatherless and the orphans, that their wants may be satisfied and the whole nation blessed by virtue of the noble benefaction.

Participation in the feasts (16: 11)

These needy classes shall also be invited by the Hebrews to share with them in the feasting and glad rejoicings at the sanctuary in connection with the feast of weeks.

7. *Rights of the Poor* (Ex. 23: 6; Dt. 15: 7-11; Lev. 19: 9, 10; 23: 22; 25: 35-38)

Primitive Codes.

Justice in the courts (Ex. 23: 6)

(E) Let no Hebrew use his authority or influence to prevent in any way a poor man from securing full justice when he appeals to the public tribunals.

Deuteronomic Codes.

Charity in the form of loans (Dt. 15: 7-11)

Let no Hebrew refuse or hesitate because the seventh year of release[1] is near, when no interest or loans can be

[1] This law seems definitely to indicate that the seventh year of release, like the later year of jubilee, was fixed alike for all members of the community. On the other hand the release of a slave appears to have been

collected, to loan to a poor fellow-countryman sufficient to meet his wants. Rather let every man possessing the means generously loan to his poor brother, assured that Jehovah will richly bless the deed.

Priestly Codes.

(Ph) The grain which grows in the corners of the field and the gleanings of the harvest field and vineyard shall be left for the poor and dependent in the community. Gleanings for the poor (Lev. 19 : 9 10; 23 : 22)

(Ph) If an Israelite becomes impoverished or incapacitated, he shall be supported by his fellow-countrymen *as a ward of the community. Like the resident aliens shall he be treated.* Money and the other things necessary for his living shall also be loaned to him without recompense. Thus shall the Israelites repay Jehovah for their deliverance from Egypt. Loans without interest to the poor (Lev. 25 : 35-38)

8. *Rights of the Aged* (Lev. 19 : 32a)

Priestly Codes.

(Ph) Let every one show honor and reverence to those whom Jehovah has crowned with gray hairs and many years, for these are symbols of his favor, of a mature wisdom, and of long service for their fellows. Honor and regard (Lev. 19 : 32a)

after each individual slave had served six years. The exact intent of the law is obscure. In the case of slaves each may have originally served six years; while for obvious reasons the release of the land, and therefore of interest, came on a year fixed for all members of the community. Cf. p. 224.

9. *Rights of Debtors* (Ex. 22:26, 27; Dt. 15:1-3)

Primitive Codes.

Return at night of garments given in pledge (Ex. 22:26, 27)

(E) No garment of a creditor, taken to secure a loan, shall be retained after sunset by the creditor, since the outer garment (which would thus be employed) is the bed of the poor man and his only protection from the cold of night.

Deuteronomic Codes.

Exemption from payment of interest and principal on seventh year (Dt. 15:1-3)

On the appointed seventh year of release, when there is no cultivation of the ground and therefore no fixed income, creditors shall not demand from Hebrews to whom they have made loans interest or the payment of the principal. From a foreigner (who is not subject to the law of the sabbatical year) both may be required as on ordinary years.

10. *Rights of Relatives of Criminals* (Dt. 24:16)

Deuteronomic Codes.

Punishment confined to the criminal (Dt. 24:16)

Contrary to the ancient usage,[1] the parents or offspring of criminals shall not be put to death for the misdeeds of their near relatives; but the penalty of each man's crime shall be visited upon his head alone.

[1] Cf. 2 K. 14:5, 6; 2 S. 21:1-9.

III

CONJUGAL RIGHTS

Since the wife was regarded as the possession of her husband, purchased for a definite sum from her father, marriage was a private contract in which the state or religion had no part. Many social functions accompanied a Hebrew marriage ceremony, but its vital element was the conducting of the bride to his home, after the bridegroom had paid to her father the sum agreed upon and set aside for her dowry. Hence the ordinary details of marriage were determined by custom and receive no attention in the public codes. Only exceptional cases and questions in which the lawgivers seek to modify existing usages are treated. The current customs may, however, be easily inferred from the laws which have been preserved.

1. *Relatives between whom Marriage is Illegitimate* (Dt. 22 : 30; 27 : 20, 22, 23; Lev. 18 : 6-18, 24; 20 : 11, 12, 14, 17, 19-21)

Marriage between near relatives was exceedingly common in antiquity even among the most civilized nations. In the Egyptian and Persian royal families marriages between brothers and sisters, and in some exceptional cases, between parents and children, are recorded. One of the later Priestly writers (Lev. 18 : 24) implies that mar-

riages, regarded by the Israelites as illegitimate, were common among the Canaanites. Hebrew history preserves the memory of several conspicuous examples of the ancient usages which the later lawgivers sought to overthrow. Tradition states that Abraham married his half-sister (Gen. 20:12); Jacob married two sisters; Amnon, the son of David, was urged by his half-sister Tamar to make her his wife with the assurance that the king's consent could readily be obtained (2 S. 13:13); Moses's parents were related as nephew and aunt (Num. 26:59). Marriage with a father's or brother's widow was frequent. The desire to perpetuate the family or clan and to retain inherited wealth and the nobler purpose of protecting members of the family from the suffering attendant upon widowhood and orphanage were powerful motives leading to marriage between those closely related, especially by affinity.

The motives originally underlying the prohibitions are not always so obvious. Possibly observation had revealed the evil consequences of close intermarriage within the same family. Childlessness is the penalty for illegitimate marriage with the wife of an uncle or brother; but here the law of heredity would not assert itself as in the case of those closely related by blood. In the three instances in which the community is commanded to execute the death sentence the crime is not marriage between blood kinsmen (Lev. 20:11, 12, 14). The act apparently most

repulsive to the sense of the lawgivers was the marriage of both a mother and her daughter to the same man. Another version of this law (Lev. 18:18) reads: "Thou shalt not take a woman to be a rival to her sister to uncover her nakedness beside the other in her lifetime." Many references, like the story of Hannah in the opening chapter of First Samuel, might be cited to demonstrate that polygamy in the past was no more conducive to peaceful family life than in the present. Certain of these laws seem to be intended to protect the peace of the home from unnecessary rivalries, such as would naturally arise if a mother and her daughter or granddaughter were placed in the equality of wifehood. In other instances, as for example the marriage with a step-mother, the reason seems to be a sentimental one: the conjugal relations between her and the father are regarded as sacred. For a son to marry her is to violate that sanctity, and therefore is an act of impiety toward the memory of his father.

The growth of public opinion in regard to the degree of relationship in which marriage was permissible is suggestively recorded in the different codes. The Primitive codes contain no prohibitions. The original Deuteronomic code has but one. The Holiness code, probably in part reflecting earlier ideas and usages, contains a system so comprehensive that later lawgivers found nothing to add thereto. Ezekiel—as in many other instances—has in mind the principles, already gaining acceptance,

but not universally enforced, which were embodied in the Holiness code, when he condemns certain of his contemporaries for entering into incestuous relations with a step-mother, with a daughter-in-law, or with a half-sister (22: 10, 11).

Deuteronomic Codes.

Near relationships (Dt. 22: 30; 27: 20, 22, 23)

Marriage with a step-mother is strictly forbidden, and Jehovah's stern disapproval rests upon the man who takes as wife either his half-sister or his mother-in-law.

Priestly Codes.

Prohibited degrees of relationship (Lev. 18: 6-18, 24)

(P[h]) Marriage with an own mother, a step-mother, an own sister, a half-sister, a grand-daughter, an aunt, an uncle's wife, a daughter-in-law, a sister-in-law, both a mother and her daughter, both a grandmother and her granddaughter or two sisters is illegitimate.[1] Because the Canaanites commonly contract such marriages as these they have incurred Jehovah's displeasure and are being driven forth from their land. Let not the Israelites commit like crimes and incur like penalties.

Penalties for illegitimate marriages (Lev. 20: 11, 12, 14, 17, 19-21)

(P[h]) Marriage between a man and his step-mother or his daughter-in-law shall be punished by the death of both the guilty parties. If a man commits the gross crime

[1] The Hebrew idiom "to uncover the nakedness of" is used in Ezek. 16: 36; 23: 18 to designate illicit intercourse with, but here it clearly has the meaning to contract marriage with a person. Compare the parallel idiom vv. 17, 18: "to take [as wife]."

of marrying both a mother and her daughter, all three shall die and their bodies be burned with fire. Marriage with a sister or half-sister is disgraceful and will be punished by Jehovah. Marriage with an aunt or with the wife of an uncle or with a sister-in-law is sinful and will be punished with childlessness.

2. Marriage with Aliens (Ex. 34 : 12, 15, 16; Dt. 7 : 1-6; Num. 25 : 6-15)

The laws also reflect the gradually changing attitude of the Israelites toward marriage with aliens. The silence of the Primitive codes is in harmony with the early narratives which represent kings like David, Solomon and Ahab, and private individuals, like Samson and Bathsheba, as freely marrying with foreigners. In the earlier days of Hebrew history marriage with the ancient Canaanitish population was exceedingly common (cf., *e.g.*, Gen. 38 : 1, 2). The prohibition in Exodus 34 : 12-16 is probably not earlier than the law of Deuteronomy which marks the beginning of the change in public feeling, which later found expression in the story of Isaac's zeal to secure a wife of his own race for Jacob, and of Esau's guilt in marrying daughters of Ishmael (Gen. 28 : 1-9), and finally in the fierce condemnation by Ezra of all marriages with foreigners (Ezra 9 : 10). The later phases of this most vital problem of Judaism are only dimly reflected, since they did not develop until after the canon of the law was

nearly complete. The trend of thought, however, is unmistakable.

The laws in regard to marriage evidently distinguished sharply between a foreigner and a resident alien who had identified himself with the Israelitish community. To the resident alien the exclusive laws did not apply, for Leviticus 22 : 12, 13 provides for a contingency arising from the marriage of the daughter of a priest to one of this class. The implication is that the practice was a common one and, if a member of a priestly family was permitted to contract such a marriage, certainly there would be no objection in the case of laymen.

Primitive Codes.

Not to intermarry with the Canaanites (Ex. 34 : 12, 15, 16)

(J^{s}) Enter into no alliances with the former inhabitants of Canaan and let not your sons marry their daughters nor give your daughters to them as wives.

Deuteronomic Codes.

No intermarriage with old inhabitants of Canaan (Dt. 7 : 1-6)

(D^{s}) All the different peoples inhabiting Canaan shall be completely destroyed by the Hebrews, who shall make no alliances and enter into no marriages with them, for Jehovah has chosen the Israelites to be a separate people, uncontaminated by close contact and intermixture with the nations who worship other gods and observe vile religious rites.[1]

[1] The law of Dt. 23 : 3-6, excluding Ammonites and Moabites to the tenth generation from the assembly of Jehovah, would naturally discourage, if not absolutely discountenance (as Ezra interpreted it), all intermarriage with these peoples,

Priestly Codes.

(P) A precedent regarding foreign marriages has been preserved to the effect that when the Israelites were encamped on the borders of Moab a Hebrew led to his tent in the presence of the assembled people the daughter of a Midianite prince. Phinehas, the grandson of Aaron the priest, indignant at the act, rose and with a spear impaled both of the culprits, with the result that the pestilence which was then attacking the Israelites because of Jehovah's displeasure ceased to afflict them. As a reward for his act Phinehas received through Moses, Jehovah's blessing and the promise that his family should forever continue to hold the priestly office.

A precedent: death the penalty for marriage with a heathen woman (Num. 25: 6-15)

3. *Marriage with a Captive in War* (Dt. 21 : 10-14)

Deuteronomic Codes.

If a Hebrew is attracted by the beauty of a female captive, whom he has taken in war, and desires to make her his wife, he shall bring her to his home and shave her head and cut her nails and exchange the garments of a captive for those of a Hebrew wife. Then he shall allow her to mourn a full month for her parents, after which he shall claim the full rights of a husband and they two shall live together in the conjugal relation. If he in time divorces her, he may not sell her again as a slave for he has made her his wife.

Forms to be observed in marrying a female captive (Dt. 21 : 10-14)

4. Special Enactments regarding the Marriage of Priests (Lev. 21 : 7, 13-15)

Priestly Codes.

To marry only Israelitish virgins (Lev. 21 : 7, 13-15)

(Ph) A priest, because of the sacred nature of his vocation, shall not marry a public prostitute nor a woman who has lost her virtue nor one who has been divorced nor a widow, but an Israelitish virgin, that the priestly class may stand as a symbol of the purity and holiness of the God which it represents.

5. *Marriage after Seduction* (Ex. 22 : 16; Dt. 22 : 28, 29)

Primitive Codes.

Seduction of a virgin equivalent to marriage (Ex. 22 : 16)

(E) If a man seduces a virgin, not betrothed to another, he shall pay the usual marriage dowry and make her his wife.

Deuteronomic Codes.

A wife thus wedded never to be divorced (Dt. 22 : 28, 29)

The marriage dowry to be paid to the father by a man who seduces his virgin daughter shall be fifty shekels of silver. A marriage thus consummated may never be annulled by the husband.

6. Levirate Marriage (Dt. 25 : 5-10)

In the law in regard to Levirate marriage the Deuteronomic lawgivers have preserved an old tribal institution,

in vogue among peoples as widely separated as India, Madagascar, and Brazil. In its Hebrew form it represents a stage of social development in which inheritance was through the son alone. It is in its origin apparently a survival of the stage in which the social unit consisted of closely related family groups. Its aim is avowedly to preserve intact these different groups. The custom was evidently much earlier than the Deuteronomic law. The narrative of Judah and Tamar in Genesis 38 bears testimony to its early existence and indicates that the responsibility of perpetuating each individual family in primitive times rested not merely upon the brothers but also upon the nearest of kin, provided there were no brothers living.

The law in the Priestly codes forbidding marriage with the brother's widow (Lev. 18:16; 20:21) contains no reference to the Deuteronomic regulation in regard to Levirate marriage. If the priestly law was intended to set aside the older custom it was probably because a new regulation (Num. 27:4, P) provided for inheritance through a daughter, so that the necessity of raising up a male heir was removed; while, if the deceased left no heir, the inheritance passed inevitably to his brothers and was retained in the family, so that the aim of the law of Levirate marriage was attained. It is interesting to note that the Deuteronomic law was not displaced in popular usage Matt. 22:24) by the later priestly enactment. The Talmud rules that, if a child is born to a deceased brother

but dies a natural death before it is thirty days old, the surviving brother is not freed from the duty of marriage. If the child, however, dies as the result of an accident he is exempted.

Deuteronomic Codes.

Each family to be preserved intact (Dt. 25 : 5, 6)

If brothers dwell together on the same ancestral estate and one of them die leaving no male heir, his widow may not marry any one belonging to another family or clan; but her brother-in-law shall make her his wife, and the first-born male offspring of the marriage shall be the heir of the deceased brother, in order that his family and name may be perpetuated.

Procedure if the living brother refuses to do his duty (25 : 7-10)

If the surviving brother refuse to do his duty to the memory of the deceased, the widow shall announce the fact in the presence of the elders of the town and then, if the brother publicly declare that he will not make his sister-in-law his wife, as the law provides, she shall before the elders take off his sandal, as a sign that he renounces this right and duty, and shall spit in his face to show her contempt for his selfish, unfraternal conduct. She shall then say: "May this man, who refuses to perpetuate the family and name of his brother, himself die without an heir." In remembrance of his unbrotherly act, the disgraceful title, "the unsandaled," shall ever cling to his family.

7. *Laws of Divorce* (Gen. 2:18, 23, 24; Ex. 21:7-9; Dt. 21:14; 22:19, 28, 29; 24:1-4)

Centuries before the earliest codes came into existence, custom had established the right of the husband, as the owner, to dismiss his wife whenever he pleased. The Arab to-day has only to lead his wife to the door of his tent and tell her to go and the divorce is complete. The Israelitish lawgivers as usual sought only to relieve the harshness and injustice of the existing usage. This was done (1) by emphasizing the importance of the marriage relation; (2) by making it illegal again to sell into bondage a female slave who had been raised to the dignity of wifehood; (3) by requiring a definite and sufficient charge against the wife; (4) by compelling the husband to draw up—probably before some public official—a formal document embodying the charge and to place it in her hand; (5) by making it necessary for him formally to send her forth from his home; and (6) by rendering it impossible for a husband to take back a divorced wife after she had again married. The publicity, the formality, and the irrevocable consequences were especially calculated to deter a man from hasty action. In the days preceding the advent of Nehemiah the author of Malachi 2:13-16 complains that divorce was a flagrant evil in the Palestinian community; but otherwise it does not appear to have been common in Israelitish history. The

Old Testament laws mark a practical advance toward the high standard maintained by Jesus, who settled the rabbinical discussions of his day and dissipated the indefiniteness of the ancient law by making adultery the only basis for divorce (Matt. 19 : 9). Contemporary Judaism, however, continued to follow a temporizing policy. It enacted, for example, that a husband should not put away his wife if she had borne him children. The developing ethical consciousness of Israel's teachers also found expression in such noble maxims as: "Tears are shed on God's altar for him who forsakes the wife of his youth," and "He who divorces his wife is hated before God."

Primitive Codes.

The innate strength and sanctity of the marriage bond (Gen. 2 : 18, 23, 24)

(J) Since man and woman were made by God to be helpmeets for each other, and each is incomplete without the other, it is the duty of those entering into the conjugal relation to regard no other obligations—even those to parents—as superior to those which they owe to each other, that thus their interests and lives may be perfectly blended.

A betrothed Hebrew slave may be sold to another as a wife but not as a slave (Ex. 21 : 7-9)

(E) A man who buys from her father a Hebrew maiden with the understanding that he will make her his wife, may not, in case she does not please him, sell her as a slave, but must either give her to his son or sell her to some one who will take her as a wife.

Deuteronomic Codes.

A Hebrew who marries a female captive may divorce her at will, but in so doing he may not sell her into slavery but must give her her freedom. Divorce of a female captive (Dt. 21 : 14)

A wife against whom her husband has brought an unfounded charge of infidelity or a wife secured by seduction may never be divorced by her husband. Cases in which divorce is prohibited (22 : 19, 28, 29)

If a wife proves unsatisfactory because of some improper or indecent behavior,[1] so that her husband causes to be drawn up a formal document embodying his complaint against her, and puts it in her hand and sends her forth from his home, she may marry another man, but if her second husband in turn divorce her or himself die, her first husband shall not be allowed again to make her his wife, for in becoming the wife of another man she has been defiled, and thus to treat the marriage relation lightly is akin to adultery and would incur Jehovah's displeasure, not only upon the guilty, but also upon the entire nation which permitted it. Method and limitations (24 : 1-4)

[1] Literally "because of the nakedness of a thing;" the phrase is unusual and its exact meaning has been much debated. It certainly protects the wife from being put away on a frivolous charge.

IV

RIGHTS OF PROPERTY

The Israelites possessed no developed theory or system of laws in regard to the possession of property. No clear distinction was maintained by them between private and criminal law. This was partially the result of their rather confused conception of the basis of the latter (cf. p. 58). The incompleteness of their system is doubtless due to the fact that the lawgivers gave comparatively little attention to private law in general and that, while they continued in the land of Palestine, economic and social conditions among the Israelites were exceedingly simple. There was little trade and less interchange of personal and real property. None of the complicated laws concerning the transfer and possession of property which figure so prominently in other ancient codes are found in the Old Testament. Contracts in the early times were oral and sealed by the payment of the stipulated sum in the presence of witnesses (Gen. 23 : 7-20). The seller sometimes gave his sandal to the buyer as a symbol of the transfer of the proprietary right (Ruth 4 : 7). Not until the days of Jeremiah is any reference found to a written contract recording a sale, as was the rule rather than the exception among the Babylonians and the Assyrians, whose influence is easily recognizable at this period in

Hebrew life. The deed for the purchase of land by Jeremiah was made in the presence of witnesses, after the payment of the money, and was signed by the purchaser. Two copies—one sealed and the other open—were prepared and given to a third party to retain (Jer. 32 : 7-15).

The land thus transferred was one of the fields held by the prophet's family and purchased from his cousin by him because the right of redemption was his. Naboth's refusal to part with his ancestral lands to King Ahab is one of the many illustrations of the tenacity with which lands were retained in the same family. This right was carefully guarded by early custom and later law. A distinction was maintained between lands and houses in an unwalled town on the one hand and buildings located in a walled city on the other. In the case of the latter, the right of redemption was limited to a year, after which time the purchaser held a permanent title.

Theft and injury to the property of another were regarded both as personal and criminal offences. Restitution to the injured party was the chief element in the punishment. Theft was punished with the marked leniency characteristic of nomadic people. In this respect Hebrew law was in striking contrast to old English law. The Primitive codes reflect the early nomadic period in that they enact that five oxen shall be given back for one stolen and four sheep for one stolen sheep; while only double was to be returned for money and garments stolen.

The late Priestly codes were still more lenient, requiring that only a fifth in addition to the amount stolen be given back.

1. Theory of Ownership of Land (Lev. 25:23)

Certain laws, like those regarding the sabbatical year and those which give to every man the right of plucking from a field or vineyard all the fruit he can eat on the spot or carry in his hands, point to the theory of the original communal ownership of land. The following law reflects the religious theorizing of a much later period and is parallel to the statement in the same context (Lev. 25:55), that all Israelites are Jehovah's slaves, purchased by him from the bondage of Egypt.

Priestly Codes.

Land held in trust for Jehovah (Lev. 25:23)

(Ps) No land shall be sold in perpetuity, for it all belongs to Jehovah, who allows the Israelites to occupy it even as they in turn tolerate and concede certain rights to aliens resident among them.

2. *Conveyance of Real Property* (Lev. 25:14-16, 34)

Priestly Codes.

Land not to be permanently sold (Lev. 25:14-16)

(Ph) Every sale of landed property shall be made with the understanding that it is to revert to the family of the original owner on the year of jubilee. The price paid shall therefore be computed on the basis of the number

of crops which will be reaped by the purchaser before the reversion on the year of jubilee. If the years are many or few the price will be correspondingly large or small.

(Ps) Common pasture lands lying about the towns set aside for the Levites may never be sold, but must be retained by them permanently.

No sale of Levitical pasture lands (Lev. 25 : 34)

3. *Redemption of Hereditary Lands* (Lev. 25 : 24-27, 29-32)

(Ph) All hereditary landed property may be bought back by members of the family to which it originally belonged. If a man becomes so impoverished that he is compelled to sell some of his land, it is the right of his nearest kinsman to purchase it.

Right of kinsmen to redeem land (Lev. 25 : 24, 25)

(Ps) If the man is obliged to sell and no kinsman appears to purchase it, and then in time the man comes into possession of wealth, he may himself buy it back by paying the purchaser the equivalent for the rent during the years remaining until the year of jubilee. Dwelling-houses in walled cities may be bought back by the original owner within a year, after which they pass permanently into the possession of the purchaser. Houses in unwalled towns are subject to the same laws as landed property and may be bought back at any time. Houses located in walled towns and belonging to Levitical families are an exception to the general rule and may be bought back by the Levites at any time.

Right of seller to redeem it (Lev. 25 : 26, 27)

Redemption of houses in walled towns (Lev. 25 : 29-32)

4. *Reversion of Hereditary Lands in the Year of Jubilee* (Lev. 25 : 13, 28, 31b, 33 ; Num. 36 : 3, 4)

Priestly Codes.

General law (Lev. 25 : 13, 28, 31b, 33)

(P) On the year of jubilee every Hebrew shall again enter into possession of all hereditary lands and houses located in unwalled towns which he or his ancestors may have sold during the preceding forty-nine years. (Ps) Levites shall also again receive all houses, whether located in walled or unwalled towns, sold by them or their ancestors.

Inheritances alienated by marriage (Num. 36 : 3, 4)

(Ps) Inheritances alienated from one tribe or family to another by the marriage of a daughter, who is an heiress, into that other tribe shall not revert on the year of jubilee to her father's but shall remain in the possession of her husband's family.

5. *Reparation for Property Stolen* (Ex. 22 : 1, 3b, 4)

Primitive Codes.

Fines for different kinds of theft (Ex. 22 : 1, 3b, 4)

(E) A man convicted of stealing and killing or selling an ox shall give to the owner in reparation five oxen, or if it was a sheep, four sheep. If he does not have that with which to pay, he shall be sold as a slave in order to secure the amount of the fine. If the object of theft be found in his possession when he is arrested, he shall simply return double the value of the animal stolen.

6. *Reparation for Damage to Property*

(1) *By the Hand of Another* (Ex 21 : 18, 19; 22 : 22-25; Lev. 24 : 18, 21[a])

Primitive Codes.

(E) If in a quarrel one man injures another, not fatally but so that he is temporarily incapacitated for work, the man inflicting the injury shall make full reparation to the other for all expense incurred through loss of time and remedial treatment. Expense resulting from injury (Ex. 21 : 18, 19)

If a man in a fight with another injures a pregnant woman so that a premature birth ensues, but without fatal results, the man shall pay the fine demanded by the woman's husband and confirmed by the judges. If harm results from the violence done, the culprit shall be punished in exact proportion to the injury inflicted. Injury to a pregnant woman (Ex. 22 : 22-25)

Priestly Codes.

(P[h]) He who kills an animal belonging to another shall give a full equivalent in compensation to the owner. For killing an animal (Lev. 24 : 18, 21[a])

(2) *By the Possession of Another* (Ex. 21 : 28-32, 35, 36; 22 : 5)

Primitive Codes.

(E) If an ox fatally gore a man or woman, it shall be stoned to death and the owner shall lose the value of his ox. In case he let it roam at large although he knew that it already had the habit of goring, the owner also shall For injury done by an ox (Ex. 21 : 28-32)

be stoned to death. If for extenuating circumstances the judges shall decide that he may pay a fine in lieu of the death penalty, he shall pay it in full, as demanded, whether the victim of his criminal neglect be a child or an adult. For the life of a slave he shall pay to the master thirty shekels of silver and shall lose the ox, which shall be stoned.

Injury done to animals by one another (Ex. 21:35, 36)

If two oxen gore each other so that one dies, its carcass together with the surviving ox shall be sold and the proceeds divided between the owners of the two oxen. If, however, the ox which did the goring was known to be dangerous and its owner had not kept it shut up, he shall pay full value to its owner for the ox which is killed, and its carcass shall belong to him.

Injury to another man's crops (Ex. 22:5)

If a man deliberately allows his animals to feed in another man's field or vineyard, he shall make full restitution in kind for all the injury resulting, taking therefor the best products of his own field and vineyard.

(3) *As a Result of the Act of Another* (Ex. 21:33, 34; 22:6)

Primitive Codes.

Leaving an open pit (Ex. 21:33, 34)

(E) If a man makes an excavation in the ground and leaves it exposed so that someone's ox or ass falls in, he shall make full restitution in money to the owner of the animal. The carcass of the beast shall belong to the man paying the fine.

If a man kindles a fire which destroys grain in the

field, he shall make full restitution to the owner for all damage resulting. Spreading fire (Ex. 22 : 6)

(4) *Held in Trust* (Ex. 22 : 7, 8, 10-13)

Primitive Codes.

(E) If one man leave money or goods in trust with another and they be stolen, the thief, if detected, shall pay to the owner—in accordance with the law—double the value of the stolen property. If, however, the thief is not caught, the man who received the goods in trust shall be under suspicion of having stolen them, and must appear before the tribunal which represents Jehovah at the sanctuary that his guilt or innocence may be determined. Goods stolen while held in trust (Ex. 22 : 7, 8)

If animals left in trust die, or are injured or are driven away and there are no witnesses to the facts, the owner shall not demand restitution, provided the man who held them in trust solemnly swears before Jehovah that the loss was not the result of a criminal act or of neglect on his part. If, however, the animals were stolen, it is evidence of neglect and the man to whom they were intrusted must recompense the owner. If they were killed by wild animals and he can prove the same by producing evidence of the act, he shall be exempted from making restitution. Animals injured or stolen while held in trust (Ex. 22 : 10-13)

(5) *Hired by Another* (Ex. 22 : 14, 15)

Primitive Codes.

Injury to a borrowed or hired animal (Ex. 22 : 14, 15

(E) If injury befall borrowed animals, when the owner is not present, the man who borrowed them shall be held responsible; but not if the owner was present, for he could have interfered to prevent the injury had he desired. In view of the payment which they receive, owners shall assume the responsibility for injury to animals let out by them for hire.

(6) *General Law of Restitution* (Ex. 22 : 9; Lev. 6 : 2-5)

Primitive Codes.

Disputed cases to be decided by the court (Ex. 22 : 9)

(E) Every case, in which two parties differ regarding responsibility for injury to animals or to personal property or regarding something lost, shall be referred to Jehovah, and the tribunal at the sanctuary shall determine who is the guilty party. He who is proved to be in the wrong shall pay to the other double the value of the thing in dispute.

Priestly Codes.

Reparation for different kinds of fraud (Lev. 6 : 2-5)

(P^{ts}) If a man defraud a fellow Israelite in connection with money left him, or in a contract, or by open robbery, or by unjust exactions, or by retaining something belonging to another which he has found, or by deceitful business methods, or by false representations, then on the day when his guilt is established he shall restore to the person defrauded the full amount and one-fifth its value in addition.

(7) *Restoration of Lost Property* (Ex. 23: 4, 5; Dt. 22: 1-4)

Primitive Codes.

Animals lost or in danger must always be restored or relieved (Ex. 23: 4, 5)

(E) If a man sees the ox or ass of his enemy wandering away from home, he shall restore him to his owner. Likewise if he finds an ass, belonging to a man whom he hates, crushed down beneath his load and in danger of being killed, he must not yield to the temptation to leave the animal to his fate, but must deliver him from his dangerous position.

Deuteronomic Codes.

Care and return of lost property (Dt. 22: 1-4)

Lost animals must never be neglected, but always restored to their owners, or if the owner is not near at hand or unknown, the lost animal shall be well cared for, until the owner appears, and then restored. The same law applies to everything found which belongs to another, whether it be an animal or a garment or any other possession. To conceal or retain it is a crime. Likewise a beast of burden, belonging to another, which has suffered an accident shall be relieved by the passer-by.[1]

[1] The rabbinical law further enacted that one finding a lost article must advertise it, if it was found under conditions which rendered it probable that the owner could thus be discovered. Otherwise it became the property of the finder. Lost articles were reported at a certain stone in Jerusalem and there restored to the owners, when they had established their right of possession. Lost and found articles were also proclaimed at festivals.

V

RIGHTS OF INHERITANCE

Custom had so firmly established the rights of inheritance among the Hebrews that the Primitive codes have nothing to say on the subject. The few written laws preserved were intended to introduce modifications in earlier usage. Israelitish law from earliest to latest times recognized as heirs only blood kinsmen and until a late period only male relatives. In this fundamental respect its similarity to Greek and Roman law is striking. Since wives were regarded as the possessions of their husbands, they had no rights of inheritance. After the death of their husband, they were supported by their sons, or if they had none the law of Levirate marriage provided for their union with a brother of their husband. If there was no brother-in-law, they were usually taken as wife by the heir, or if not, they might return to the home of their father, by whom they were often again given in marriage (Gen. 38 : 11; Lev. 22 : 13; Ruth 1 : 8-10). Instances are recorded in which the rights of the first-born son were set aside in favor of an offspring of a favorite wife. Solomon is the most illustrious example (1 K. 1 : 11-13). The practice, however, was contrary to custom and public opinion, and was declared illegal by a law which first appears in the Deuteronomic codes. To establish the

late innovation which recognized daughters as heirs when there were no sons, a traditional precedent was adduced, associated with the authoritative name of Moses (Num. 27 : 1-8). The new law, and the necessary regulation in regard to the marriage of heiresses, were introduced in connection with it.

1. *Law of Primogeniture* (Dt. 21 : 15-17 ; 25 : 5, 6)

Deuteronomic Codes.

If a man has children by two wives, one of whom he loves and the other he dislikes, he shall not set aside the rights of his first-born son, even if he is the offspring of the wife whom he dislikes. To the first-born shall he give a double portion of all his possessions. Rights of eldest son may not be set aside (Dt. 21 : 15-17)

The first-born son of a Levirate marriage shall succeed to the name and inheritance of his mother's deceased husband. In the case of a Levirate marriage (25 : 5, 6)

2. *Legal Heirs* (Num. 27 : 1-11)

Priestly Codes.

(Ps) The precedent is preserved that the daughters of a certain Manassite, Zelophehad by name, who had died (not for any criminal offence) without male offspring, demanded that they should be recognized as the natural heirs of their deceased father. After consulting Jehovah, Moses granted their request and laid down the principle that if a man has no sons, his daughters shall enjoy the same rights of inheritance as male heirs. Inheritance through daughters (Num. 27 : 1-8)

Law of inheritance when there are no immediate heirs (Num. 27 : 9-11)

If he has no offspring, his property shall be inherited by his brothers. If he has no offspring or brothers his property shall be given to his father's brothers. If his father also has no brothers, the nearest blood relative shall receive it.

3. *Heiress to Marry within her Tribe* (Num. 36 : 1-12)

Priestly Codes.

Property inherited by daughters not to pass to an alien family (Num. 36 : 1-12)

(Ps) When there are no male heirs, daughters shall inherit the possessions of their father, but they must marry within the family or tribe of their father, that hereditary property may not pass by marriage into the permanent possession of another family or tribe. The precedent is preserved that the daughters of Zelophehad, who inherited the property of their father, in accordance with this law, married their cousins on their father's side, thereby insuring the continuance of their inheritance in the possession of their father's family.

CIVIL LAWS

CIVIL LAWS

I

ISRAELITISH CIVIL LAW

The Semitic disregard for social organization is strikingly illustrated by the paucity of the civil compared with either criminal or ceremonial laws. The Primitive and Priestly codes have almost nothing to say about the organization of the state—the former because its aim is simply to guide judges in rendering decisions in ordinary cases of litigation, the latter, because, when it was written, the monarchy was no more and all interest was focused on the hierarchal organization and ritual. The Deuteronomic codes, which touch Israelitish life on every side, deal most fully with those questions of organization and legal procedure which figure so largely in the Roman and modern legal systems. The monarchical and judicial institutions of the Hebrews had, however, almost reached their full development before the Deuteronomic codes were formulated. Hence these were little more than supplemental. In their genesis, therefore, Israel's political and judicial institutions were the result of the expansion and adaptation of earlier customs

and usages to new needs and conditions, rather than of theoretical, formative legislation. Thus the chief man of a clan in time became the sheik of a tribe, and the sheik of a tribe became at a critical moment in the life of the race, if his ability was equal to the needs of the situation, a champion or "judge." When the people recognized the necessity for a permanent head, popular champions, like Gideon, were called to the kingship, and with the new demands incidental to the appointment of a king came the institutions of the monarchy. It is significant that the earliest law relating to the kingship is found in the Deuteronomic code, which antedates the final overthrow of the Hebrew state by less than half a century.

The laws which have been preserved give only a partial idea of the Israelitish state in the different phases of its development. Of the prominent rôle of the tribal elders in the earlier days and even under the monarchy there is only an occasional hint. Nothing is said regarding the military and feudal nobility, which grew up about the king, or of the political importance of the priestly hierarchy, with the high priest at its head, which after the exile absorbed both religious and secular authority in the state. The laws in regard to the king are a reflection of the opposition of the prophets to the abuse of the kingly authority by such rulers as Solomon and Ahab. They embody the noble, democratic principles which were inherent in the Hebrew conception of the position and functions of a king, and

provide practically for a limited, constitutional monarchy. It is the duty and responsibility of the chief ruler to his subjects, not the divine right and absolute authority of the king, which find expression in the law as well as in the teachings of prophets and sages.

Similarly the laws relating to judicial procedure established no new offices nor legal processes but simply sought to prevent the misuse or corruption of existing institutions. The regulations concerning popular instruction are intended to instil the principles of the law into the minds of rulers and people so that they will not only know but do the will of the divine Judge and King.

II

POLITICAL ORGANIZATION

1. *Qualifications for the Enjoyment of Full Civil and Religious Rights* (Dt. 23:1-8; Ex. 12:48, 49)

Deuteronomic Codes.

The following classes are excluded from participation in the political and religious life of the Israelitish people[1]: eunuchs, whose organs of generation have been in any

Eunuchs, bastards, Ammonites and Moabites excluded from the right of citizenship (Dt. 23:1-8)

[1] The expression "to enter into the assembly of Jehovah" evidently refers to participation especially in the rites and services connected with

way mutilated;[1] those born out of wedlock or as the result of an illegitimate union, and their descendants for ten generations; Ammonites and Moabites, and their descendants for ten generations, because of the unbrotherly conduct of these peoples toward the Hebrews when they were seeking a home in Canaan. Edomites, because of their close relationship to the Hebrews, and the Egyptians, because at one time they entertained the Hebrews in their land,[2] shall not be regarded as hostile foreigners. The descendants of either of these peoples, when resident in Canaan, shall in the third generation be admitted to the full rights of native Hebrews.

Priestly Codes.

All circumcised resident aliens admitted to full rights (Ex. 12 : 48, 49)

(P) Any resident alien who desires to participate in Israel's great passover feast shall be allowed to do so after indicating his intention of becoming a citizen of the Israelitish community by submitting, together with the males of

the Jerusalem temple. A clear reference to this law is found in Lam. 1 : 10:

The adversary hath spread out his hand upon all her (Jerusalem's) pleasant things;
For she hath seen that the heathen are entered into her sanctuary,
Concerning whom thou didst command that they should not enter into thy assembly.

[1] The context indicates the two common ways in which the condition of a eunuch was produced: (1) by crushing and (2) by cutting off the *testes*.

[2] The real reason underlying the admission of Egyptians to the rights of citizenship in Israel was probably the close political relations which had existed between Egypt and Israel since the days of Solomon.

his family, to the rite of circumcision. Then he shall enjoy all the privileges and be subject to the same laws as a native Israelite.

2. *Taking a Census* (Num. 1 : 1-3 ; 3 : 14, 15, 40; 4 : 1-3, 22, 23, 29, 30; Ex. 30 : 11-16)

Priestly Codes.

(P) The tradition is preserved that, when the Israelites were in the wilderness of Sinai, the divine command came to Moses to take a census of the Israelites by their families and households, which should include all the able-bodied males, twenty years old and upward, in order to provide a basis of reckoning for the levy in case of war.

Census of those available for war (Num. 1 : 1-3)

The command was given to take a census on the same basis of every male child one month old and upwards of the tribe of Levi, (Ps) and subsequently of every Israelitish male child one month old and upwards.

Census of the male population (Num. 3 : 14, 15, 40)

A special census was also ordered to include all able-bodied Levites, between the years of thirty and fifty, available for service in connection with the sanctuary.

Census of the Levites (Num. 4 : 1-3, 22, 23, 29, 30)

When a census is taken of the Israelites, every man twenty years old or over, whether rich or poor, shall pay to Jehovah half a shekel of silver (of the sanctuary) in order to avert God's anger, lest he send, as in the days of David, a plague upon the nation.[1] The income from this source shall be devoted to the maintenance of the regular service of the sanctuary.

The atonement tax (Ex. 30 : 11-16)

[1] Cf. 2 S. 24. This law is a reflection of the popular belief, not confined to the Israelites, that a numbering of the people was displeasing to the deity.

3. *Division of the Land* (Josh. 18:2-10; 19:47; Num. 26:52-56; 33:54; 34:13-15)

Primitive Codes.

Original assignment by lot (Josh. 18:2-10; 19:47)

(JE^s) The tradition is preserved that the land of Canaan after its conquest was divided into portions according to the number of the Israelitish tribes, and then that Joshua at Shiloh before the ark of Jehovah decided by lot the portions to be assigned to each tribe. The tribes of Reuben, Gad and the half tribe of Manasseh (because they had already been allotted the territory east of the Jordan) and the priestly tribe of Levi were not included in the general division of the west-Jordan land. The tribe of Dan subsequently captured for themselves by the sword a city and the surrounding territory lying directly south of Mount Hermon.

Priestly Codes.

All land originally assigned impartially (Num. 26:52-56; 33:54; 34:13-15)

(P^s) The principle of division was that the larger and smaller tribes should be arranged in groups containing those approximately of the same size; and that the amount of land set aside for the tribes in each group should be proportionate to their size. Then to insure absolute justice, the given plot of land to be assigned to each individual tribe within a group was determined by lot.

4. *Rulers in General* (Ex. 22 : 28)

Primitive Codes.

(E) Let no Israelite so far forget his duty toward those given authority over him as to call down imprecations upon them; for disrespect toward a ruler is akin to blasphemy against the divine King.

Respect toward rulers (Ex. 22 : 28)

5. *The Kingship* (Dt. 17 : 14-20)

Deuteronomic Codes.

When the Israelites, following the example of the neighboring nations, wish to elect a king over them they must select for that office the one whom Jehovah through his prophets shall indicate. No foreigner, but only a native Israelite, is eligible for the kingship.

Qualifications: a Hebrew, divinely called (Dt. 17 : 14, 15)

In his public policy he shall avoid those temptations to which oriental kings are especially subject.[1] He shall not send his officers to Egypt to secure horses that he may increase his cavalry in order to add to his own glory and despotic power. Nor shall he build up a great harem, even though alliances sealed by marriage would increase his power, nor shall he amass great wealth, for these will introduce a sensual and irreligious element into his life

Responsibilities and policy (17 : 16, 17)

[1] The evils prohibited were those which characterized the reign of Solomon. That the legislator had the mistakes of that king especially in mind seems evident.

and that of the court, thereby lowering his ideals and impairing his efficiency as a ruler.

Obligation to conform to the written law (Dt. 17 : 18-20)

During all his reign, he shall always have before him and constantly refer to the Deuteronomic law book. This shall be his guide in all the details of administration. His chief aim shall be to honor Jehovah and to carry out his divine will as set forth in his law. He shall also be governed by the spirit and injunctions of this code, that he may enjoy the favor and prosperity which Jehovah will grant to him and his people if he faithfully and in true humility as the servant of his people, not as the despot, performs the high duties intrusted to him.

III

JUDICIAL ORGANIZATION AND PROCEDURE

A crying evil of Israelitish social life was the lack of a systematic judicial organization. In this respect the Hebrews were far behind the Babylonians, whose judicial system seems to have been highly developed. The Babylonian judges were appointed by the king and were responsible to him for the just discharge of their duties. To every decision they had to sign their names, and records were kept of each important ruling and constituted a precedent for subsequent cases, so that they in time

had a large body of precedents, as well as written laws, to guide them. Each case was tried before a body of judges, four or more according to the nature of the questions involved. Priests and lay officials appear in the lists of judges. The litigants presented their own cases after they had been drawn up in legal form by the clerks of the court. Witnesses were summoned, duly sworn and carefully cross-examined; and the greatest care was exercised in ascertaining the facts. In detailed development and in the high standards of justice maintained, the Babylonian legal system compared very favorably with that of Greece or Rome.[1]

The Israelitish judicial organization lacked unity and system, first because the Hebrews were not distinctively a literary people. Agriculture and the care of herds and flocks did not demand or encourage writing as did commerce. Also the clay, which made writing easy in Babylonia, was not found in Palestine. In the second place the judicial system of the Israelites was a composite, reflecting the different stages in their national development. In the latter days of the kingdom a man apparently might appeal to the elders of his family or tribe, or to the local judges at the city gate or to the priests at the sanctuary, or to the king or to the supreme court at the capital. Furthermore in democratic Israel the authority of the king was never strong enough, as in Babylonia and

[1] Cf. Meissner, *Beitrage zum Altbabylonischen Privatrecht.*

Persia, to impart unity to the entire judicial administration.

In the earlier nomadic days cases were laid before the head of the tribe, who acted as arbiter between the contesting parties. He apparently possessed, like the sheik of an Arab tribe to-day, no power to execute his decision. It was, however, usually carried out because the litigants had agreed to abide by his judgment, and public opinion powerfully supported it. The tribal elders continued to decide questions between members of the clan, but when the Israelites settled in Canaan and developed a village organization, local judges, chosen probably from the heads of families, discharged the chief judicial duties of the community. Throughout all their history the priests, as custodians of the oracle of Jehovah and of the traditional usages of the race, exercised the functions of judges in private and civil cases, as well as in questions of ceremonial.

The early codes recognize the need of a central court of appeal with supreme power to give unity to the legislation and to the administration of justice. Tradition records that Moses appointed such a body (Ex. 18). During the period of the judges it disappeared, since there was no union of all the tribes. When they finally did unite under a king, he and his officers who represented him were regarded as the final court of appeal (2 S. 12 : 1-6; 15 : 2; 1 K. 3 : 16-28). The Deutero-

nomic codes refer to a later central court of final appeal which was very similar to the royal tribunal in Babylonia and Assyria. It is perhaps significant that this court first appears in Judah immediately after the reign of Manasseh, when Assyrian influence had been most potent. Nothing is stated regarding its exact composition and the appointment of its members. From the references in Deuteronomy 17 : 8-13 it is evident that it included Levitical priests and probably lay judges, for the " judge that shall be in those days " (v. 9) is referred to as distinct from the priestly members of the court. He apparently acted as president or chief of the body of judges and in all probability was appointed by the king. The decisions of this court were final. Nothing is said concerning a further appeal to the king, whose authority it seems to have represented. It is not impossible that this tribunal is the antecedent of the Jewish Sanhedrin at Jerusalem, which, when the monarchy was no more, assumed political and religious as well as judicial authority.

The chronicler in 2 Chronicles 19 : 8-11, probably reflecting institutions familiar to him in the Greek period when he lived, represents Jehoshaphat as establishing a supreme court, consisting of Levites, priests and the heads of the fathers' houses. In considering all religious matters the chief priest was to preside, and in the case of political and secular questions, " the ruler of the house of Judah." To this court all difficult cases coming before

the local judges were to be referred. The post-Deuteronomic distinction between priests and Levites[1] and the prominence given to the latter are clearly due to the chronicler. His use (in v. 10) of the language of the Deuteronomic code in describing the object of the supreme court of appeal suggests that he was familiar with the earlier law and that his description may have been largely based upon it. He at least gives some further hints in regard to the character of the chief tribunal and affords a basis for the conclusion that in modified form it continued to exist until it reappeared in the Sanhedrin of later times.

In the days of the monarchy an ordinary case of dispute would doubtless be settled, when possible, by the elders of the families or clans to which the litigants belonged. When this was not possible, it would be laid before the local judges, who could be found at the gate of the town. If they could not decide it, they or the contesting parties would carry it to the king, or in later times to the central tribunal, which probably sat in the temple. From the decisions of this last court there was no appeal.

The priests were simply arbiters, interpreting the will of Jehovah, but the local judges, especially in minor penal cases, not only pronounced judgment but also attended to the execution of their sentence. Thus their power was great and the danger of their abusing it still greater, for

[1] Cf. Ceremonial Laws.

there was no effective check upon their authority. Selected from the ranks of the community, they were not raised above its petty interests or delivered from personal considerations. The custom of giving presents in order to secure the support of a man of influence was almost universal in the ancient as well as the modern East, so that public opinion did not strongly condemn this act even when the recipient was a judge about to pronounce sentence. That favoritism and bribery vitiated almost the entire Israelitish judicial system is demonstrated by the prominent attention given to them in the utterances of prophets, sages, lawgivers, and psalmists. Samuel is pictured as the conspicuous exception and his sons as the rule (1 S. 8 : 1, 3 ; 12 : 3-5). To the correction of these evils and to the kindred one of perverting witnesses by the same means, the lawgivers devoted themselves. Unfortunately they made no provision for the punishment of these crimes in judges, although they did recommend the most severe measures when witnessses were proved guilty of perjury.

The later Talmudic law transferred all cases from the local judges to the rabbinical courts, where professional teachers or lawyers discussed all questions referred to them. They had power to pronounce final decisions on all kinds of cases, and their rulings were usually followed. While they were often guided by mere sophistries, their purpose was in general to dispense justice. Their admin-

istration, therefore, undoubtedly marked an advance over that of the local judges of the earlier days.

1. *Appointment of Judges* (Ex. 18 : 12-26; 24 : 13, 14; Dt. 16 : 18)

Primitive Codes.

Moses' example in appointing judges (Ex. 18 : 12-26)

(E) The tradition is preserved that when Jethro, Moses' father-in-law, found the great leader overwhelmed by the multitude of cases large and small, which were daily laid before him by the people, he advised his son-in-law to spare himself by instructing certain men in the elemental principles of justice so that they might decide ordinary cases. In accordance with Jethro's counsel, Moses selected men of ability, genuinely religious, upright and honorable and appointed them judges. To them the people were to bring all minor cases which could easily be decided after the analogy of earlier decisions. Only the more complicated questions, regarding which they were in doubt, were reserved and laid before Moses himself.[1]

Appointment of temporary judges (Ex. 24 : 13, 14)

It is also recorded that, when other duties called him elsewhere, Moses appointed Aaron his brother and Hur, one of his prominent leaders, chief judges; and commanded the people in his absence to lay their cases before these two.

[1] Dt. 1 : 9-15 apparently contains a reference to the same tradition, only here those chosen were the tribal chieftains and their duties as recapitulated were executive and military rather than judicial.

Deuteronomic Codes.

Judges and subordinate officials, whose duty shall be to attend to the details of trials and the execution of sentences, shall be appointed to administer justice beside the city gates of every Israelitish town.[1]

Local judges and subordinate officials Dt. (16 : 18)

2. *Duties of Judges* (Ex. 23 : 6-8; Dt. 16 : 18b-20; 1 : 16, 17; 27 : 25; 21 : 1-9; 25 : 1, 2; Lev. 19 : 15, 35a)

Primitive Codes.

(E) Judges in rendering decisions shall never be influenced by the relative wealth or influence of the litigants. Let them be a party to no injustice, lest they fatally wrong an innocent, righteous man and thereby incur the wrath of the divine Judge.

Justice to all classes alike (Ex. 23 : 6, 7)

As judges let them accept no present under any pretext, for it creates an obligation and prejudices the receiver in favor of the giver and thus perverts his judgment and leads even a man with an upright purpose to render an unjust decision.

To take no bribes (Ex. 23 : 8)

Deuteronomic Codes.

Let Israel's judges be influenced by no self-interests but only guided by their sense of right; for only in this

To be governed solely by the sense of justice (Dt. 16 : 18b-20)

[1] Regarding the manner and by whom the local judges were to be appointed nothing is said. Probably as in the earlier days each community called to this office the most prominent individuals in its midst.

way can they secure Jehovah's favor and enjoy the prosperity which he will give. Let them receive no gifts, for these make wise men knaves and the upright crooked.

The standard of impartial justice (1 : 16, 17)

(D[5]) The tradition is preserved that Moses himself charged Israel's judges to give a careful hearing to all cases presented before them and to render impartial decisions to Hebrew and resident aliens alike. Never should they be influenced by the position or influence of either of the contesting parties. Not man's but God's disapproval should they fear, for as judges they stand as his representatives before the people.

A curse upon the corrupt judge (27 : 25)

In the public ritual of imprecation the priests shall solemnly declare: "A curse upon every judge who for the sake of a bribe condemns an innocent person;" and all the assembled people shall respond in chorus: "So may it be."

In case of an unpunished act of murder (21 : 1-9)

In case a murder is committed by some unknown hand, it shall be the duty of the elders and judges to determine by measurement the town which is nearest to the body of the murdered man and to see that the elders of that town perform the appointed rites of ceremonial purification.

To witness the execution of certain sentences (25 : 1, 2)

In case two men quarrel and the guilty party is condemned to be beaten, to insure its impartial execution the judge who rendered the decision shall direct and witness the carrying out of the sentence.

Priestly Codes.

Absolute justice (Lev. 19 : 15[7] 35[8])

(Ph) Justly and impartially shall every Israelitish judge discharge the solemn duties toward his fellows which his high office entails.

3. *The Supreme Court of Appeal* (Dt. 17 : 8-11; 19 : 16-21; Num. 35 : 22-25)

Deuteronomic Codes.

Difficult legal cases to be referred to a central tribunal (Dt. 17 : 8-11)

All cases, both criminal and civil, too complex or difficult for the local judges, to whom they are first referred, to decide, shall be laid by them before the supreme tribunal, to be established at the central sanctuary and to consist of Levitical priests with a lay[1] judge at their head. The decision of this supreme court of reference shall be final. The duty of the local authorities shall be to execute it, not modifying it in any respect. These decisions of the central tribunal shall also establish binding precedents for the guidance of local judges.

Especially cases of suspected perjury (19 : 16-21)

When it is suspected that a witness is offering false testimony, both he and the accused shall be led before the supreme tribunal, consisting of priests and lay judges, whose duty it shall be to institute a careful investigation and to punish the false witness, if his guilt is proved, in proportion to the evil which he sought to do to the accused by his misleading evidence.

Priestly Codes.

In later times the assembly of the people to decide difficult cases (Num. 35 : 22-25)

(Ps) If a man accidentally, without malice aforethought, kills another, he shall be declared innocent by the popular assembly and delivered from those who seek to avenge the death of the one accidentally slain.

[1] The implication of the context is that the presiding officer was not himself a priest.

4. *Number of Witnesses Required to Convict* (Dt. 19: 15; 17:6; Num. 35:30)

Deuteronomic Codes.

At least two witnesses necessary (Dt. 19:15)

The testimony of one witness shall not be sufficient to convict any man of a crime. Two witnesses at least are required to establish a charge of misdemeanor.

Deuteronomic and Priestly Codes.

Especially for capital offences (Dt. 17:6; Num. 35:30)

No man shall be put to death for a crime on the testimony of less than two witnesses.

5. *Duties of Witnesses* (Ex. 23:1, 2; 20:16; Dt. 5:20; 17:7[a]; Lev. 19:16; 5:1)

Primitive and Priestly Codes.

To tell the truth and nothing but the truth (Ex. 23:1, 2; cf. Lev. 19:16)

(E) Let no man give currency to a false charge, or conspire with unscrupulous men to wrong the innocent by supporting misleading accusations against them, or be influenced by a majority to pervert the truth and thus do injustice to one who is accused.

Primitive and Deuteronomic Codes.

Truthfulnesss (Ex. 20:16; Dt. 5:20)

Let no man offer misleading testimony against another.

Deuteronomic Codes.

Execution of the condemned (Dt. 17:7[b])

In the case of capital crimes the witnesses whose testimony led to the conviction of the condemned shall take the initiative in putting him to death.

Priestly Codes.

(Ps) Any witness who fails, when under oath, to tell all that he has seen or knows regarding the accused, is guilty in the sight of God.

To conceal nothing (Lev. 5:1)

6. *Punishment of False Witnesses* (Dt. 19:16-21)

Deuteronomic Codes.

Witnesses, convicted before the supreme central court of rendering misleading testimony against a defendant, shall suffer precisely the same penalty as would have been inflicted upon the accused, if their evidence had been accepted as true, in order that all others may thereby be warned and deterred from committing the insidious and all too common crime of presenting false testimony.

A perjurer to be punished for the crime which he falsely imputed to another (Dt. 19:16-21)

7. *Execution of Judicial Sentences* (Dt. 25:2)

Deuteronomic Codes.

If a man is condemned for a misdemeanor to receive a certain number of blows, the judge who pronounced the sentence shall personally superintend its execution.

Corporal punishment (Dt. 25:2)

8. *Punishment of Contempt of Court* (Dt. 17:12, 13)

Deuteronomic Codes.

When a case is referred by the local judges to the supreme tribunal for a final decision, the parties involved in the case must abide by its ruling, as announced by its

Death to the one who defies the supreme tribunal (Dt. 17:12, 13)

presiding priest or judge. The man who defiantly refuses to act in accordance with it shall be put to death, that the people may be impressed with the impiety and dire consequences of questioning the authority of the chief tribunal of the nation.

9. *The Object of Cities of Refuge* (Ex. 21:12-14; Dt. 19:1-13; 4:41-43; Num. 35:9-32)

Primitive Codes.

The primitive right of altar-asylum (Ex. 21:12-14)

(E) To insure justice to a manslayer innocent of malicious intent, he shall be allowed to find refuge beside Jehovah's altar in the sanctuaries sanctified by the divine presence. This right of altar-asylum, however, shall be denied the guilty.

Deuteronomic and Priestly Codes.

Justice to the innocent manslayer (Dt. 19:1-13; 4:41-43; Num. 35:9-25)

When the temple was declared to be the one lawful sanctuary and all other shrines and altars were placed under the ban, provisions were made for six cities of refuge, three on each side of the Jordan, to which a man killing another by accident might flee from the vengeance of the kinsmen of the slain and be assured of a fair trial and a place where he might reside without fear of attack.

Priestly Codes.

(P^{s}) If the manslayer ventures outside the city of refuge he exposes himself to the attack of the avenger; but after the

death of the high priest he may return to his home and the kinsmen of the slain shall have no right to molest him. For him to purchase immunity from attack before the appointed time is strictly forbidden.

The blood feud outlawed at the death of the high priest (Num. 35: 26-32)

IV

POPULAR INSTRUCTION IN THE LAW

Since the Deuteronomic code represents practically the first popular, written version of the law, and since it was intended primarily to be a guide for the people, it was natural that this code should emphasize the importance of popular instruction in the law. The zeal of the prophets to impress their principles by every possible means upon the obtuse, unreceptive minds of the masses is clearly reflected in these enactments. Through the eyes as well as the ears the essentials of the law are to be inculcated. The setting up of stone monuments with inscriptions upon them to be read by the people may well have been suggested to the Hebrew lawgivers in the days of Manasseh by the example of their Assyrian masters, whose influence was then very potent in Judah. In harmony with the historic setting of the Deuteronomic law, the specific command is attributed to Moses. The public reading of the law is also an adaptation of the methods of the prophets, who presented their messages by word of mouth to the

people or else, like Jeremiah, sent their disciples to read their prophecies when their hearers were assembled at some great fast or feast (Jer. 36 : 5-8). In connection with the institution of the Deuteronomic code by Josiah it is recorded in Second Kings 23 : 1, 2 that " the king sent, and they gathered unto him all the elders of Judah and Jerusalem. And the king went up to the house of the Lord, and all the men of Judah and all the inhabitants of Jerusalem with him, and the priests, and the prophets, and all the people, both small and great, and he read in their ears all the words of the Book of the Covenant which was found in the house of the Lord."

In strongly emphasizing the importance of instructing children in the intelligent appreciation of the principles of the law, the Deuteronomic lawgivers made a great contribution toward making Judaism an enduring factor in human history. Already the experience of the wise men or sages had demonstrated the valuable results of youthful instruction, and the later rabbis further developed its possibilities.

1. *Publishing the Law* (Dt. 27 : 1-4, 8; Josh. 8 : 30-32)

Deuteronomic Codes.

Command to write the laws on plastered stones (Dt. 27 : 1-4, 8)

The tradition is preserved that Moses gave the command that when the Israelites should cross the Jordan to enter the land of Canaan they were to set up on Mount Ebal great stones and cover them with a coating of plaster so that it

might be possible to write upon them. Then they were to inscribe thereon, distinctly so that all could read, the different enactments of the Deuteronomic law.

(D[s]) It is also recorded that Joshua faithfully carried out this command before the eyes of the Israelites after he had led them across the Jordan. Its fulfilment (Josh. 8 : 30-32)

2. *Public Reading of the Law* (Dt. 31 : 10-13; Josh. 8 : 33-35)

Deuteronomic Codes.

Furthermore tradition states that Moses enjoined that at the feast of tabernacles on every seventh year of release, when all the people were gathered together at the central sanctuary, the law should be publicly read. Women, children and resident aliens, as well as Hebrews, were to be summoned to this ceremony that all might become acquainted with the commands of the law and faithfully observe them. The law to be read to all the people on the sabbatical year (Dt. 31 : 10-13)

It is recorded that, when all the people, including the women, children and resident aliens, were assembled about the ark in front of Mount Gerizim and Mount Ebal, Joshua read aloud all the commands of the law, as Moses had enjoined. The first public reading (Josh. 8 : 33-35)

3. *Instruction of Children in the Law* (Dt. 6 : 6, 7, 20-25; 11 : 18-21)

Deuteronomic Codes.

The uniqueness and unity of Jehovah's character and the obligation to love him supremely shall be impressed

Inculcation of the law in the minds of children (Dt. 6: 6, 7; 11: 18-21)

upon the mind of every Israelite. These truths must faithfully be instilled into the heart of every child. At home and on every possible occasion this work of instruction shall unremittingly continue.

Explanation of the reasons for keeping the law (6: 20-25)

When children ask their parents the meaning of the laws of their race, the fathers shall recount the great deliverances which Jehovah has accomplished in the history of their nation in return for which they are under obligation faithfully to keep all his commands. They shall also point out the fact that every enactment is for the good of the race and individual, and that prosperity and a long and glorious national life shall be the result and reward of faithful observance.

MILITARY LAWS

MILITARY LAWS

I

ORGANIZATION OF THE ARMY

The historical books confirm the suggestion, contained in the law, that the Israelites never maintained a standing army. The nearest approach to this was the body-guard of the six hundred—in part if not entirely foreign mercenaries,—which figured prominently in the reign of David (1 S. 23 : 13; cf. also 2 K. 11 : 4). This included the *gibbôrîm*, the heroes, who had followed David during his outlaw days and who had joined in securing for him his kingdom. Otherwise the Hebrew army consisted of the militia, which was called out only in time of war. At the head of the army was the commander-in-chief, appointed by the king, and with him were probably associated certain permanent officers, like the thirty-seven mighty men in David's army who had gained experience and glory on many a battle-field (2 S. 23 : 8-39). The army itself was divided into regiments containing a thousand, companies of one hundred, and smaller bodies of fifty and ten, over each of which, in the days of the monarchy, the king appointed officers, probably chosen from the tribe to which the ma-

jority of the men in a given regiment or company belonged (1 S. 8 : 12; 2 S. 18 : 1; 2 K. 1 : 9; 11 : 4). Naturally the officers thus appointed were the tribal chieftains. This explains how it was possible to secure an effective organization even though these subordinate officers were often not appointed until the army was assembled for battle (2 S. 18 : 1). The same custom was followed by Judas Maccabeus in his wars against the Syrians (1 Mac. 3 : 55). The Priestly codes grant exemption from military service only to the Levites. The law of Deuteronomy, permitting any man, who was afraid or especially desirous of living to enjoy certain pleasures awaiting him at home, to leave the ranks on the eve of battle, seems to voice an ideal of the author, whose assurance was absolute that Jehovah would surely deliver his people, if their faith was sufficient. It is the ideal which appears in the Deuteronomic version of the story of Gideon's victory over the Midianites (Judg. 7 : 2, 3). It was apparently not practical nor ordinarily applied, although Judas is said to have adhered to it (1 Mac. 3 : 56). The crisis and the personality of the great leader both conspired, however, to hold every man in the ranks and to fire them to heroic deeds.

1. *Legal Age of Service* (Num. 1 : 2, 3; 26 : 2)

All males twenty years old (Num. 1 : 2, 3; 26 : 2)

Priestly Codes.

(P) Jehovah commanded that all the able-bodied male Israelites twenty years of age and older should be enrolled

according to their families and clans in order that they might be mustered for military service in case of war.

2. *Exemption of Certain Classes from Military Service* (Dt. 20 : 5-8; 24 : 5; Num. 1 : 49; 2 : 33)

Deuteronomic Codes.

(D) When the Israelites are about to advance into battle, the officers shall publicly announce that any man, who has recently built a house, but not yet dedicated it, or has planted a vineyard, but not yet had the pleasure of gathering fruit from it, shall be permitted to return to his home lest he be killed in battle and thus never enjoy the results of his labor. Those who have just completed a house or vineyard (Dt. 20: 5, 6)

Also any man, who is betrothed or recently married, shall be relieved from military duty for one year. Betrothed or newly married men (20 : 7; 24 : 5)

Also any who are faint-hearted and therefore in danger of communicating their fears to their fellow-soldiers and thus demoralizing the army may likewise leave the ranks on the eve of battle. Those lacking courage (20 : 8)

Priestly Codes.

(Ps) In taking the military census the members of the tribe of Levi shall not be numbered, for they are exempted, because of their sacred duties, from service in the army. Levites (Num. 1 : 49; 2 : 33)

3. *Officers* (Dt. 20 : 9)

Deuteronomic Codes.

Appointment of the officers of the line (Dt. 20 : 9)

(D) When all who for any reason are exempted from service have been allowed to withdraw from the army, those whose duty it is [1] shall appoint from the ranks the leaders of the different regiment and companies.

The early precedent for the appointment of officers (1 : 1, 15 : cf. Num. 1 : 4, 16)

(Ds) The tradition is extant that Moses from the first chose tribal chieftains, men of ability and reputation, and appointed them commanders of bodies of one thousand, of one hundred, of fifty, and of ten, each man to lead those from his own tribe.

II

CEREMONIAL CLEANLINESS OF THE ARMY (Dt. 23 : 9-14 ; Num. 5 : 1-3)

If the Israelites by observation or intuition attained to a partial knowledge of the hygienic laws to which we seek to-day to conform our living, it finds no clear expression in the law. Certain of their enactments were highly sanitary in their effect, but the motive urged is always ceremonial. The camp is to be kept free from anything that would

[1] The antecedent of the "they" in the English translation is indefinite. In the later historic example Judas Maccabeus himself appointed on the battle-field the captains of thousands, hundreds, fifties and tens (1 Mac. 3 : 55).

pollute, not for the sake of the health of the inhabitants, but because Jehovah dwells in its midst and therefore it it must be kept ceremonially holy. Of course it is possible that some of the more observing lawgivers recognized the unsanitary effects of certain forms of pollution and to protect the people from their evil effects deliberately declared them to be ceremonially defiling; but the religious explanation of the origin of these laws is the obvious and on the whole the most satisfactory one. The naïve, anthropomorphic conception of Jehovah (v. 14, "walketh in the midst of the camp," etc.) suggests an early date for this law or at least for the ideas which it embodies.

Deuteronomic Codes.

Every man to guard carefully against personal pollution (Dt. 23: 9-14)

(D) When the Israelites are engaged in a military campaign, they shall exercise especial care in avoiding anything ceremonially defiling. A man accidentally polluted must leave the camp and bathe himself in water and remain outside until evening. A place must also be set aside outside the camp for the necessities of nature—and even there the most scrupulous sanitary measures must be observed lest in any way the camp be contaminated, for Jehovah is in its midst proceeding with his people against their enemies. Hence the camp must be made a fit sanctuary for the Lord, that he may find therein no unclean thing which might lead him to depart and leave his people to fall before their foes.

Priestly Codes.

Exclusion of all ceremonially unclean (Num. 5 : 1-3)

(Ps) Everyone of either sex who is afflicted with leprosy, or has a running sore or is ceremonionally unclean because of contact with a corpse shall be excluded from the camp that they may not defile it, for it is Jehovah's dwelling-place.

III

MANNER OF ATTACK

(Dt. 20 : 1-4, 10-12 ; Num. 10 : 9 ; 31 : 3)

Deuteronomic Codes.

The priest to appeal to the faith of the Hebrews (20 : 1-4)

(Ds) When the Israelites go forth into battle against their foes, the priest in attendance upon the army shall publicly exhort them to be courageous in the presence of their enemies, for their God is with them to deliver and to give them the victory.

Attack on a city (20 : 10-12)

On attacking a hostile city the Israelites shall demand its peaceful surrender and, if it submits at once, its inhabitants shall pay tribute to the conquerors. If it does not surrender, they shall besiege it.

Priestly Codes.

The call to arms (Num. 10 : 9 ; cf. Num. 31 : 3)

(Ph) When the Israelites declare war against an enemy which oppresses them, they shall sound the alarm with the trumpet to call the people to arms, and then they may be assured that their God will deliver them from their foes.

IV

REGULATIONS REGARDING THE DISPOSITION OF THE SPOILS OF WAR

The laws of the Israelites regarding the treatment of their foes were much harsher than their actual practice. Even in their bitter wars with their hostile neighbors there is no record of their ever having put to death all the men captured in battle. Instead of completely exterminating the original Canaanitish inhabitants, they at first freely intermarried with them (Judg. 3 : 5, 6) and then in time reduced to a state of bondage those who, like the Gibeonites, retained their racial integrity. It is perhaps surprising that the latest regulation, the traditional precedent associated with the name of Moses and the Midianites, advocates the most merciless policy toward conquered foreigners. The contrast with the principles laid down by Amos, who denounced similar cruelty in the foes of Israel (Am. 1 : 6-13), is striking. The pitiless attitude of the Deuteronomic and priestly lawgivers toward the heathen foes of their race is explained, however, in the reasons which are given for the sweeping enactments. They were dealing not with present but with past conditions. The evils in Israel's character and religion were most of them traced in their day to the baneful influence of the peoples

in and about Canaan. Their conclusion that the supreme mistake had been not to exterminate these from the first was natural, although not representative of the highest revelation vouchsafed to the Hebrew race. A truer theory was that of the Deuteronomic editor of Judges, namely, that the heathen peoples were left to test Israel's fidelity to Jehovah (2 : 22 to 3 : 1). The theoretical laws of the later codes reflect the imperfect degree of enlightenment of the men who wrote them and the intensity of the conflict between heathenism and the worshippers of Jehovah which raged in their day.

1. *Captives* (Dt. 20 : 10-18; 7 : 1, 2, 16, 22-24; 3 : 3-6; 21 : 10-14; Num. 31 : 7-18)

Deuteronomic Codes.

Disposition of captives (Dt. 20 : 10-15)

(D) When a hostile city surrenders without resistance to the Israelites, its inhabitants shall simply pay tribute to their conquerors; but if the city refuses to capitulate and is captured only after a siege, its male inhabitants shall at once be put to death, and the women and the children shall be taken by the Israelites. This shall be the law of war in the case of cities beyond the bounds of Canaan.

Extermination of the peoples of Canaan (20 : 16-18; 7 : 1, 2, 16, 22-24; 3 : 3-6)

Of the peoples living in Canaan none captured in war shall be permitted to live. All of the earlier inhabitants of the land shall be completely exterminated, lest surviv-

ing they teach the conquerors to worship their gods and thus to forget Jehovah.

(D) Any Hebrew who desires to make a female captive of war his wife, may do so, provided he allows her first to mourn a month for her family in the quiet of his home. Marriage with a female captive (21: 10-14)

Priestly Codes.

(Ps) It is recorded that when the Israelites conquered the Midianites in the wilderness and slew all the males, Moses rebuked them because they spared all the women and children. To prevent moral contamination, he commanded that all the male children and married women should also be put to death. Command to kill the male children and married women of the Midianites (Num. 31: 7-18)

2. *Booty* (1. S. 30: 24, 25; Dt. 20: 14-20; 3: 7; 7: 25, 26)

Primitive Codes.

In connection with the successful pursuit of the marauding Amalekites, David ruled that those who are left behind to guard the baggage of the army shall share equally in the division of the spoil with those who do the actual fighting. Henceforth this ruling became a law in Israel. Sharing spoils (1 S. 30: 24, 25)

Deuteronomic Codes.

(D) All spoil found in conquered cities beyond the bounds of Canaan shall be seized as lawful prey by the Israelites. Everything, however, captured from the former inhabitants of Canaan shall be entirely destroyed. Booty captured from foreign foes (Dt. 20: 14-18; 3: 7; 7: 25, 26)

Fruit trees to be spared in war (20: 19, 20)

In carrying on a long siege the Israelites may eat the fruit of the trees and cut down those which are useful only for their wood ; but none of the fruit trees about the besieged town shall they injure, for their warfare is directed against their hostile foes and not against the provisions of Nature for man's support.

HUMANITARIAN LAWS

HUMANITARIAN LAWS

I

THE HUMANITARIAN ELEMENT IN THE OLD TESTAMENT LEGISLATION

The laws of the Old Testament represent many different points of view and degrees of spiritual enlightenment. In striking contrast with the regulations providing for the wholesale slaughter of women and children, simply because they were enemies of the Israelites, are those which enjoin thoughtful consideration for the interests of a foe. Peculiar to the Old Testament legislation and especially to the Deuteronomic codes is a group of laws which appeal not merely to the cold sense of justice, but also to the feeling of love toward man and beast. Since they constitute the unique and original element and reveal the true character and spirit of Israelitish legislation, they are here presented as a unit, although many of them have already been introduced under other headings. Like the sermons of the prophets, they represent the strenuous efforts of certain inspired teachers of the Hebrew race to lead their nation onward and upward to the realization of the divine ideal revealed to them.

Like the sages, however, who were in close touch with the possibilities and limitations of the people whom they were seeking to lead, the lawgivers were governed by practical considerations. They did not essay the impossible and make the mistake of trying to revolutionize in a moment the inherited customs of their race. Fortunately they were men of their age, and therefore far better fitted to lead it than idealists whose conceptions may have been much nearer perfection. As it was, there is clear evidence —many unconscious confessions—that they often feared that their standards were so high that the ignorant nation which they were endeavoring to guide upward would never attain to them. Especially when the observance of a law called for self-denial and the appeal was primarily to the higher sensibilities, do they introduce additional motives, frequently very utilitarian, in order to influence the people. Thus they are assured that, if they will remit the interest due them from the needy, Jehovah will prosper their every undertaking. Elsewhere they are commanded to give generously to the poor, lest Jehovah's displeasure be visited upon them because of their hardheartedness. In many cases the formal enactments of the lawgivers are only veiled exhortations, revealing the spirit of the prophet in the heart of the priest. Repeatedly in commands enjoining benevolence and consideration for the needy and dependent they remind the people that their ancestors were penniless slaves in the land of Egypt, and

that gratitude compels them to observe this divine law. Only by its faithful observance can the Hebrews expect to enjoy Jehovah's blessing upon their efforts.

To appreciate the humanitarian laws of the Hebrews it is necessary to realize their historical setting. They represent, not the full light, but the foregleams of that heavenly flame of love which burned transcendently in the heart of the Christ. Some of them seem dim and flickering to us who stand in the full light of Christianity and of the noble philanthropic movements of the present day; but we must remember that outside the circle of Israel's inspired teachers the one law almost universally recognized in antiquity was that of might, and woe to the needy or defenceless. The more highly civilized a nation, the more refined seemed to be its cruelty. Assyria, for example, rich in art and learning, with a highly developed legal and religious system, gloried in its organized robberies and wanton cruelty to the helpless peoples which it gathered into its net. In their public inscriptions the Assyrian kings tell with manifest exultation and pride of the hundreds of cities and towns pillaged, burned, and reduced to unsightly ruins. In their records they recount, and on their monuments they picture, the thousands of captives, old and young, whom they impaled on stakes before the eyes of horrified kinsmen, or else dragged away as captives in galling fetters, which made the life of the victims one long death-agony.

Many of the Old Testament laws, which merely reflect ancient customs or usages of the ritual, may be reverentially placed upon the historical shelf and reserved for the students of Israelitish life and religion. Not so, however, with these humanitarian laws. They represent not the low, but the high-water mark of Hebrew thought and teaching. Their kinship is with the noblest messages of the inspired prophets and sages. In the past they were potent in shaping and developing that which was best in the life of the Israelitish race. Their justice, tempered with a genuine love for humanity and for all of God's creation, has left its benign impress upon the laws of every civilized land. Like the teachings of the Hebrew sages, they relate to man, and rise so far above temporal and racial limitations that they are of perennial and universal application. The principles of which they are the practical expression are calculated to heal the wounds of society in the present as in the past. In that shorter Bible, which each lover of God and of truth consciously or unconsciously selects from the greater whole for his own personal guidance and inspiration, these laws, because of their intrinsic merit, certainly deserve a prominent place.

II

KINDNESS TOWARDS ANIMALS

It is interesting to note that the modern societies for the prevention of cruelty to animals find their charter in the Old Testament. The principle laid down by the Hebrew sages, "A righteous man regards the life of his beast" (Prov. 12:10), is the basis for definite laws in the Deuteronomic and Holiness codes. These enactments aim not merely to prevent cruelty, but also to engender that tender consideration for the comfort of dumb animals that makes cruelty impossible. Even the wild beasts command the kindly interest of the lawgiver. It is difficult to find an analogy in all ancient literature.

1. *Command not to Muzzle the Threshing Ox* (Dt. 25:4)

Deuteronomic Codes.

The oxen which tread out your grain at threshing time shall not be muzzled, but left free to eat a portion of the grain as they perform their work.

"The laborer is worthy of his hire" (Dt. 25:4)

2. *Command to Let the Land Rest in the Seventh Year, that the Wild Animals may Have Food* (Ex. 23:11; Lev. 25:5-7)

Primitive Codes.

(E) For six years shall the land be tilled and its produce gathered in, but in the seventh year there shall be no

One object of the seventh year of rest (Ex. 23:11)

cultivation of the soil. It shall be allowed to lie fallow, that the poor may gather what grows of itself, and that what remains may be for food for the wild animals.

Priestly Codes.

Beasts to share the natural products (Lev. 25 : 5-7)

(Ph) In the seventh year of rest the owners of land or trees or vines are prohibited from claiming as their own that which grows on their property, but all the natural produce shall be a common possession to be shared alike as food by master, servant, resident alien, domestic cattle, and the wild beasts of the land.

3. *Command to Let Beasts of Burden Rest* (Ex. 23 : 12)

Primitive Codes.

Sabbath rest for beasts (Ex. 23 : 12)

(E) Within six days shall all work be done, and the seventh shall be devoted to rest, that the beasts may have the rest which they need after their six days of toil.

4. *Command not to Take Mother Bird with Young or Eggs* (Dt. 22 : 6, 7)

Deuteronomic Codes.

Sanctity of parent relation (Dt. 22 : 6, 7)

A man finding a bird's nest may take, as his possession by right of discovery, the young birds or the eggs, but he must not take the mother with them. Only by thus respecting the parental relation in beasts as well as men can man hope to enjoy that prosperity which Jehovah

has promised to those who observe this sacred obligation.[1]

5. *Command not to Slay either a Cow or Ewe and its Young on the Same Day* (Lev. 22 : 27, 28)

Priestly Codes.

(P[h]) Of the animals suitable for sacrifice the young shall be allowed to remain with their mother at least seven days. Not until they are eight days old shall they be acceptable as an offering. Then it is forbidden to kill both the mother and young on the same day. Sacrifice of the young (Lev. 22 : 27, 28)

III

PRECAUTIONS AGAINST ACCIDENT (Dt. 22 : 8)

The same delicate feeling which prompted tender consideration for dumb beasts led the Hebrew lawgivers to anticipate in one instance our modern building laws which aim to guard against the possibility of accident.

[1] The motive underlying this command is suggested by kindred laws (as that prohibiting the slaying of both an ox or ewe and its young on the same day), and by the concluding words, "that it may be well with you, that you may prolong your days," which were also added by the Deuteronomist to the command to honor human parents (Dt. 5 : 16).

Deuteronomic Codes.

Protection of life (22 : 8)

In building a house the owner must provide a strong parapet around the outside of the roof to guard from accident those who use its flat surface for rest or recreation.

IV

MEASURES PREVENTIVE OF CRUELTY TO THE UNFORTUNATE

While always just and sometimes harsh, according to our modern conceptions, in the punishment of crime, the Old Testament laws were never cruel in the methods which they employed. Among most peoples of antiquity little attention was paid to human suffering, and no form of corporal punishment was deemed too severe for the criminal. Flaying, impaling on stakes, crucifixion, burning, dismembering, blinding, and kindred horrors were in common use throughout the ancient world ; but such punishments were never countenanced by the Hebrew lawgivers. Capital punishment, exile, in one extreme case cutting off the hand, beating, and fines were the punitive measures which they employed. They also carefully guarded against excesses, and that other characteristic oriental evil—injustice due to personal favoritism or malice.

Social problems were also prominent in ancient Israel, and the wise, practical way in which they are dealt with in the Old Testament law is exceedingly interesting and instructive. They recognized the unfortunate, the needy, and the dependent, as well as the vicious classes, and endeavored by special legislation to protect their rights and ameliorate their condition. Their position would to-day be classified as in many respects socialistic. That those who had, owed certain obligations to those who had not, was clearly postulated. Many of their laws sought to indicate definite ways in which those obligations could be discharged. They are wise suggestions rather than impersonal enactments. To most of them no penalty is attached for their infringement other than the burden of Jehovah's displeasure.

1. *Moderation in Inflicting the Bastinado* (Dt. 25 : 2, 3)

Deuteronomic Codes.

Moderation in punishment (Dt. 25 : 2, 3)

When a criminal has been found guilty of a misdemeanor, he shall not be maltreated. To protect him from private malice or injustice, he shall be beaten in the presence of the judge who condemned him, and a careful record kept of the number of blows administered. Forty shall be the maximum number given for any offence, since excessive punishment is a degradation inconsistent with the respect which should be paid to a human being, even though he be a criminal.

2. *The Family of a Criminal not to Suffer with Him* (Dt. 24 : 16)

Deuteronomic Codes.

Relatives exonerated (Dt. 24 : 16)

Contrary to primitive usage, parents shall not be held responsible and punished for crimes committed by their children, nor children for the crimes of their parents. Every criminal shall alone be held responsible for his own crimes.

3. *Consideration in Taking Pledges* (Dt. 24 : 10, 11)

Deuteronomic Codes.

Borrower to select the article (Dt. 24 : 10, 11)

In taking something in security for a loan the lender shall not go into the house to take his pledge, but shall leave to the borrower the selection of the article offered, that the latter may be delivered from needless privation.

4. *Return of Garments taken in Pledge* (Ex. 22 : 26, 27 ; Dt. 24 : 12, 13)

Primitive and Deuteronomic Codes.

The poor man's bed (Ex. 22 : 26, 27 ; Dt. 24 : 12, 13)

In the case of a loan between Israelites, if the borrower be a poor man, and therefore obliged to give his mantle as security, it shall not be retained over night by the lender, but returned to its owner by sunset, for it is his bed and only protection against the cold of night. Jehovah will punish

the disregard of this law and richly reward its faithful observance.[1]

5. *Not to Take a Millstone in Pledge* (Dt. 24 : 6)

Deuteronomic Codes.

A handmill, daily used to prepare the food for a family, or the upper millstone, without which the mill is useless, shall never be taken as security for a loan or debt, for to do so would deprive the family of the means of supplying its daily bread and thus of maintaining its life. No necessities (Dt. 24 : 6)

V

TREATMENT OF DEPENDENT CLASSES

1. *Justice to Hired Servants* (Dt. 24 : 14, 15; Lev. 19 : 13b)

Deuteronomic and Priestly Codes.

The wages of a hired servant, whether he be a Hebrew or an alien, if he be poor, must not be withheld from him Prompt payment of wages (Dt. 24 : 14, 15; Lev. 19 : 13b)

[1] It is interesting to note that in both codes this law is enforced by special exhortations. In Exodus it is in the form of a warning: when the wronged borrower cries unto Jehovah, his cry will be heard by the gracious God. Failure to observe it is a crime. In Deuteronomy care in returning garments is regarded as an act of virtue, calling forth the blessings of the borrower and the approval of Jehovah. Ezekiel classifies it among the most common and heinous crimes (Ezek. 18 : 7, 12; 33 : 15).

when they are due, but must be paid to him promptly at the close of his day's labor, for he counts upon receiving them to supply his pressing needs, and, if disappointed, he may arouse Jehovah's displeasure against the one thus wronging him.

2. *Consideration for Slaves* (Ex. 23 : 12 ; 21 : 26, 27 ; Dt. 15 : 12-15, 18 ;[1] Lev. 25 : 39, 40a, 43)

Primitive Codes.

Sabbath rest (Ex. 23 : 12)

(E) The aim of the sabbath is that the beasts of burden and slaves of the household may rest from labor as well as the master.

Reparation for injuries (Ex. 21 : 26, 27)

If a master inflict a serious injury upon his slave, like the loss of an eye or limb, the slave shall receive his freedom in reparation for the injury received, and the master shall be punished by the loss of his slave.

Priestly Codes.

Protection of Israelitish slaves (Lev. 25 : 39, 40a, 43)

(Ph) If an Israelite because of poverty sells himself to a fellow-Israelite, he shall not be regarded or treated as a slave, but rather as a hired servant or as a resident alien who puts himself under the protection of a patron. The one to whom he sells himself shall not treat him harshly, but is ever to remember that they are both brothers, children of the same God, who guards the defenceless and will reward considerate action.

[1] For the law enjoining generosity to manumitted slaves, cf. pp. 124-125.

3. *Consideration for the Feelings of Captives* (Dt. 21 : 10-14)

Deuteronomic Codes.

Recognition of the rights of a captive taken as a wife by a Hebrew (Dt. 21 : 10-14)

If among those captured in war a Hebrew finds a fair female captive whom he desires to make his wife, he shall not do so at once, but shall first take her to his home. There she shall shave her head and pare her nails and take off the garb of a captive as a symbol that she is no longer forsaken, but has found a husband and is about to be admitted into the ranks of Jehovah's people. For a month, however, in seclusion she shall be allowed to mourn for her parents. Then, when she has become familiar and reconciled with her separation and new environment, the Hebrew who has chosen her may make her his wife and claim the full rights of a husband. If in time her husband wishes to divorce her, he shall not sell her for money as a slave, for he has entered with her into the intimate relation of husband, but like a Hebrew wife he shall let her go forth free wherever she wishes.

4. *Justice to Those Unable to Defend Themselves* (Ex 22 : 22-24 ; Dt. 24 : 17, 18 ; 27 : 19)

Primitive Codes.

(E) Let no one wrong or take advantage of widows and orphans, because they have no one to defend their rights.

Wrongs to widows and orphans (Ex. 22 : 22-24)

They who wrong them will find in Jehovah an avenger who will hear the cry of the oppressed and make the wives and children of the oppressors widows and orphans.

Deuteronomic Codes.

Kindness to the helpless (Dt. 24 : 17, 18)

Let no one pervert the cause of the needy and helpless, of the resident alien and the orphan, and let no one be so hard-hearted as to take the garment of a poor widow in pledge for a debt or loan. Let every Hebrew remember how Jehovah delivered him from the hated serfdom of Egypt, and the debt of gratitude which he therefore owes —a debt which can best be paid by kindness to the needy and dependent.

A curse upon the oppressor (27 : 19)

(D) The curse of the community, as well as Jehovah's deep displeasure, shall rest upon the man who perverts the cause of the resident alien, the orphan, and the widow, for they are under the especial protection of Jehovah and the state.

5. *Justice to the Poor* (Ex. 23 : 6 ; cf. Dt. 15 : 7-11 ; Lev. 25 : 35)

Primitive Codes.

No favoritism (Ex. 23 : 6)

Let no one either as judge or plaintiff deprive a poor Hebrew of the justice which he seeks at the public tribunals.

VI

VARIOUS PHILANTHROPIC PROVISIONS FOR THE NEEDY

1. *Leaving the Gleanings* (Dt. 24 : 19-22 ; Lev. 19 : 9, 10 ; 23 : 22)

Deuteronomic and Priestly Codes.

The gleanings for the needy (Dt. 24 : 19-22 ; Lev. 19 : 9, 10 ; 23 : 22)

At harvest time the owners of fields or orchards or vineyards shall not selfishly gather all that which the soil produces. A sheaf which has been forgotten, the grain which grows in the corners of a lot, the olives which remain on the tree after the first beating, and the grapes overlooked in the first gleaning, shall be left for those in the community, like the resident aliens, the orphans, and the widows, who have no possessions and no regular means of support. Let those who have, remember that their ancestors were penniless slaves in the land of Egypt, and that gratitude compels them to observe this divine law. Furthermore, only by its faithful observance can they expect to enjoy Jehovah's blessing upon their efforts.[1]

[1] The form of the law is substantially the same in the two codes. The principle is applied to the olive garden only in Deuteronomy. The motives and rewards for the faithful observance of the law are alone presented in that book. Its importance is suggested by the fact that in the brief Holiness code it is given twice in nearly the same words.

2. *Sharing Offerings with the Dependent* (Dt. 16 : 11, 12 ; 26 : 11)

Deuteronomic Codes.

The needy to share alike in sacred offerings (Dt. 16 : 11, 12 ; 26 : 11)

When the Hebrews bring their offerings up to Jerusalem to celebrate at the temple their great feasts, and especially that of the harvest home, they shall share their offerings and the joy of the festal occasion not only with those belonging to their own family, but also with the dependent members of the community, with the Levites who minister at the holy shrines, with the resident aliens, the orphans and widows, who dwell in their towns, that all may rejoice together. Let no Hebrew forget that his race was once in bondage in Egypt ; let him remember and provide for the needs and happiness of those who, like his ancestors, have no patron except Jehovah.

3. *Distribution of the Tithe among the Dependent Members of Society* (Dt. 14 : 22-29 ; 26 : 12, 13)

Deuteronomic Codes.

Ordinary tithes (Dt. 14 : 22-27)

To provide a definite means of support for the dependent classes, as well as to sustain religious worship, every Hebrew who possesses property shall each year set aside a tenth of all his products. Two out of every three years he shall bring the tithe of his grain and oil and wine and the firstlings of his flocks, or the money equivalent of the same, to the sanctuary, where he shall provide therewith

a sumptuous feast, which he shall share with his family and poor members of the community, such as the landless Levites.

In the third year, however, the tithe shall be turned over by each individual to the public storehouse within each town, and thence distributed to the Levites, who have no property, and to the poor classes, such as the resident aliens, the orphans, and the widows of the community, that their wants may be satisfied and that Jehovah's blessing may rest upon the nation which thus nobly relieves the needs of the distressed within its ranks. Triennial tithes (14 : 28, 29)

It also enacted that, when each Hebrew in the third year has turned over his tithe to the Levites and the other dependent members of the community in which he resides, he shall solemnly declare before Jehovah that he has delivered the tithe in full to those to whom it belongs, withholding or forgetting nothing, and that he has in every respect conformed to this law. Guarantee of their payment (26 : 12, 13)

VII

THE REMISSION OF INTEREST IN CERTAIN CASES

(Ex. 22 : 25 ; Dt. 23 : 19, 20 ; Lev. 25 : 35-38)

To-day we pronounce the Old Testament laws regarding interest impracticable, and point to the practice of the modern representatives of the Jewish race as the proof.

Certainly their literal application would be destructive to business interests, but of the principle underlying them we cannot speak so positively. The financial organization of the old Israelitish commonwealth was exceedingly simple. There were few, if any, large business operations. Loans were contracted, not in order to launch a lucrative enterprise, but to save a man and his family from starvation or from that slavery which was the penalty of unpaid debt. The rate of interest was also exorbitant. In ancient Babylonia there was an old law limiting the rate to 20 per cent. per annum, but later, in Assyria, 25 per cent. was not unusual. That interest was commonly demanded in ancient Israel is demonstrated by the presence of laws prohibiting it in certain cases. · Nehemiah did not deem it necessary to apologize because he and his friends had received it on loans. The aim of the laws is apparently not to prohibit it entirely, but by a broad statement to prevent exactions from those who were unable to pay. In every instance the poor and needy are distinctly mentioned as those for whom the law was enacted. To exact immediate payment from the penniless was equivalent, according to Hebrew custom, to forcing them for slight cause into what often proved life-long slavery.

Primitive Codes.

No interest from the poor (Ex. 22 : 25)

(E) Whenever a Hebrew lends money to a poverty-stricken fellow-Hebrew, he shall not as a harsh creditor

insist upon an immediate payment of the claim, if the poor debtor is unable, nor shall he exact any interest on the loan.

Deuteronomic Codes.

No interest from a Hebrew (Dt. 23: 19, 20)

No Hebrew shall collect interest of a fellow-Hebrew on a loan of money or food or anything which the debtor may desire to borrow. For a loan made to a foreigner he may demand interest, but never from a fellow-countryman. If the Hebrews are thus considerate toward their needy brethren, Jehovah will prosper their every undertaking.

Priestly Codes.

Gratuitous loans to the needy (Lev. 25: 35-38)

(P[h]) Whenever a Hebrew loses his property and is unable to support himself, his fellow-countrymen shall relieve his distress and support him as they do the resident aliens who are the wards of the community. No interest shall they exact in return for the money which they loan and the food which they give him. Let them remember Jehovah, who delivered them in their time of dire need from Egypt, and who has given them all that they possess in the fair land of Canaan, and let them be considerate toward their brother in need.

VIII

REGULATIONS REGARDING THE SEVENTH YEAR OF REST AND RELEASE

Prominent in the Old Testament legislation are certain remarkable laws regarding the observance of the seventh, or sabbatical, year. The primary principle underlying these regulations seems to have been the making of the seventh year one of rest for the land, just as the seventh day of the week was for the rest of man and beast. In the oldest form of the law this purpose alone is emphasized. Enlightened experience had revealed to the lawgivers of the Hebrew race the great fact that the land, as well as man and beast, would yield the best results if allowed a regular period for recuperation. The laws were an attempt to conform usage to this fact.

The special enactments of Deuteronomy deal with certain exigencies which resulted from the observance of this primitive law. The rest of the soil meant the cessation of income, and hence it was but just that the payment of loans and interest on the same should also cease during the seventh year. This seems to be the real intent of the law, which by later Jews and many Christian commentators has been interpreted to mean the cancelling of all debts on the seventh year, as well as the remission of interest. The more reasonable interpretation is confirmed

by the succeeding exhortation to lend to the poor sufficient for his need, even though the seventh year of release is at hand, during which it would be illegal to demand a repayment of the loan. It is obvious that if the loan was to be cancelled entirely on the following year, it would be no loan, but a gift.

The Holiness code and the redactor of the Primitive codes introduce, in addition to the principle of rest, a philanthropically communistic motive: the land is not to be tilled by its owners, that the rights of individual ownership may, for the time being, be completely set aside, and all members of the community—master and slave, rich and poor, Hebrew and alien, man and beast; not excepting the wild animals—may share equally in that which the fields and vineyards naturally produce.

The authors of the Primitive and Deuteronomic codes associated with the seventh year certain laws intended to restrict and relieve the burdens of the firmly established oriental institution of slavery.

Jeremiah 34 : 8-22 contains suggestive and conclusive evidence that those in regard to the manumission of slaves on the seventh year were not generally enforced—at least before the exile. During the final siege of Jerusalem by Nebuchadrezzar the citizens of the city in their dire extremity, in order to win Jehovah's favor, solemnly covenanted to liberate their slaves in accordance with the Deuteronomic law. The siege being temporarily raised, they at once

forced their slaves to return into bondage. In denouncing their perfidy, Jeremiah, after quoting freely the laws regarding the liberating of slaves, adds that their fathers also failed to observe these enactments (v. 14). Their failure to liberate their fellow-Hebrews is declared by Jeremiah to be the chief reason why Jehovah caused his people to be carried away into exile (vv. 17-22). The later priestly author of Leviticus 26 : 34, 35 regards the exile as the enforced period of rest for the land; "even the rest which it had not in your sabbaths, when you dwelt in the land." The evidence, therefore, is conclusive (compare also 2 Chron. 36 : 21) that before the Babylonian exile the laws of the seventh sabbatical year represented ideas to which the Hebrews never completely—if at all—attained.

The same condition continued long after the exile, when the poverty of the Jerusalem colony made its observance almost impossible. One of the chief results of Nehemiah's reformation was that the people solemnly covenanted to "forego the seventh year and the exaction of every debt" (Neh. 10 : 31b). Josephus refers to the observance of the seventh year in the days of Alexander the Great;[1] and in the age of the Maccabees[2] it appears to have become a regular institution. The Mishna (Shebi'îth) states that only in Palestine was the law of the seventh year fully carried out, but in Syria also certain of its enactments

[1] Josephus, *Antiquities*, XI, viii, 6.
[2] Ibid., XIII, viii, 1; XIV, x, 6. Also, 1 Macc. 6 : 49, 53.

were observed by faithful Jews. Even Tacitus was acquainted with this law (*Hist.* 5 : 4). Thus it would seem that it remained, like many of the ethical teachings of the prophets, for fully four centuries little more than an unrealized ideal, and then was appreciated and applied by later Judaism.

1. *Rest and Remission of Interest in the Seventh Year* (Ex. 23 : 10, 11 ; Dt. 15 : 1-11 ; Lev. 25 : 1-7, 20-22)

Primitive Codes.

Communal rights (Ex. 23 : 10, 11)

(E) For six years the land shall be tilled and its products gathered by those who own it, but on the seventh year the fields, the vineyards, and the olive-groves shall be uncultivated and allowed to rest that the poor may share alike with the rich in the natural products of the soil, and that the wild beasts may have what is left.[1]

Deuteronomic Codes.

No interest to be collected of Israelites (Dt. 15 : 1-3)

The seventh year shall be a year of release, in which the rights of a creditor shall be in abeyance in the case of a brother-Israelite, since in that year the land is at rest and therefore gives to the owners no definite income. No creditor shall press the payment of a loan—much less interest upon the same—even though the debtor does not belong to the poorer classes, which are exempted entirely from the payment of interest. From a foreigner a loan

[1] Cf. p. 209.

may be demanded and the interest on the same, since his ability to pay is not restricted by the observance of the seventh year of rest. For obvious reasons the right of exemption is extended only to members of the Hebrew race.

Prosperity the reward (15 : 4, 5)

If the spirit of this law—namely, practical consideration for the needy—is faithfully observed, Jehovah's blessing will bring such great and universal prosperity to his people that none shall be afflicted with poverty. Then this law, which is intended especially to help and protect the poor, will cease to be necessary. Furthermore, the Israelites will no longer be obliged to borrow, and hence be subject to other people, but they shall be the lenders, and therefore the masters.

The duty of generosity to the poor (15 : 7-11 ; cf. Lev. 25 : 35)

Whenever a poor fellow-Hebrew appeals to you for a loan to meet his pressing needs, do not be niggardly or grudging toward him, but provide him generously with what he requires. Even when the seventh year of release is near, when you will have no income and the poor will share with you in the products of your fields, guard carefully against the insidious danger of harboring a selfish thought within your heart which might influence you to withhold the needed favor which he asks. Grant his request, that he may not have occasion to call down Jehovah's displeasure upon you because of your hard-heartedness. Let no burden of sin rest upon your soul. Give liberally, for, if you so do, Jehovah will bless you in everything which you undertake. To your poverty-stricken fel-

low-countrymen be generous, for there will always be poor in the land who are in need and worthy of your charity.

Priestly Codes.

(Ph) For six years the land shall be tilled, but on the seventh it shall enjoy a complete rest. None of the natural products of the field or vineyard shall be gathered by the owners on the seventh year into storehouses, but all shall be shared as food alike by all members of the community, including the property owners, slaves, hired servants, resident aliens, and the animals, domestic and wild. To meet the needs of the people Jehovah will cause the land to produce so bountifully on the sixth year that that which is then gathered will suffice until the harvests of the eighth year can be reaped.

Provision for all on the seventh year (Lev. 25 : 1-7, 20-22)

2. *Manumission of Slaves in the Seventh Year* (Ex. 21 : 2-4; Dt. 15 : 12-15, 18)

Primitive Codes.

After a Hebrew slave has served his master six years he shall be set free without paying anything for his redemption. If married when he entered into the state of bondage, his wife shall be liberated as well as her husband. But if he was unmarried when he became a slave and subsequently was given a wife by his master, the wife, and all children resulting from the marriage, shall continue to belong to the master.

Liberation of married slaves (Ex. 21: 2-4)

Deuteronomic Codes.

Duties of a master to a manumitted slave (15 : 12-15, 18)

When at the end of six years every Hebrew slave is set free, his master shall not send him forth penniless at the time, but shall provide him liberally with cattle and sheep, and with the products of his fields and vines, according as he himself has been prospered. Let every Hebrew remember that his was once a race of slaves in Egypt, delivered thence simply by Jehovah's favor, and be considerate toward those who are under him in the relation of slaves. Grudge not setting free your slave at the end of the six years of service, for during that period by his devoted toil he has done for you, without reward, as much work as would have been done by two hired servants to whom you would have been obliged to pay full wages.[1]

IX

REGULATIONS REGARDING THE OBSERVANCE OF THE FIFTIETH YEAR OF JUBILEE

Many and various have been the attempts to reconcile the enactments in the primitive and Deuteronomic codes regarding the observance of the seventh year and those of Leviticus regarding the year of jubilee. The difficulties

[1] V. 18 continues the thought of section 12-15, and hence in the paraphrase has been restored to its true logical position.

are greatest in the case of the laws relating to the manumission of slaves: the former codes plainly command that a slave shall be set free after six years of service; the latter, on the fiftieth year of jubilee, which may have been one or forty-nine years after the date of enslavement. Each of the two codes ignores the enactments of the other. All the current attempts to reconcile them are based on pure hypotheses, and break down when critically analyzed. The evidence of Jeremiah 34, that the earlier laws, decreeing the liberation of slaves at the end of six years, had proved, before the exile, impracticable because of the selfish reluctance of the Hebrews to give up such valuable possessions, suggests the origin of the enactments regarding the year of jubilee. They must be recognized as later and more conservative endeavors to mitigate the evils of slavery by making the period of servitude longer. In compensation for this concession to an institution too deeply intrenched to be easily overturned, the later priestly lawgivers established and defined the right of redemption, provided the Hebrew slave or his kinsmen could procure the sum legally required to purchase his freedom, and so carefully protected the slave from wrongs that his position was practically that of a hired servant. The family of a slave was also liberated on the year of jubilee as well as the slave himself—a wise and benign provision.

In connection with the law of the year of jubilee the

right of every Hebrew to redeem his ancestral possessions is clearly stated and defined. Although not reduced to an exact law until a comparatively late period, this right of redemption was clearly a very old custom. Jeremiah refers to it as in force in his day (Jer. 34:6-15). That which is peculiar to the law of the jubilee is the enactment that all property, with the exception of city houses, shall revert at the end of forty-nine years to the original owners or their heirs. This certainly is in many ways the most radical measure among all the laws of the Old Testament which aim to secure social equality. It practically does away with the absolute ownership of land, and assumes its ownership by the community, which retains the right of leasing it again to tenants at the end of forty-nine years. Obviously it anticipates certain of the most advanced socialistic propaganda of to-day. The principle, however, of which this law was an extreme expression was not entirely new to antiquity or to the Israelites. Among several ancient peoples the communal ownership of land was a fixed institution.[1] The Dalmatians, for example, redistributed their land, according to Strabo, every eight years. Many Aryan peoples periodically reassigned their lands among the heads of families. Among certain village communities of Russia the usage still obtains. The property of many Arab tribes of the past as well as the present was held in common. Emerg-

[1] Maine, *Village Communities*, pp. 81 f.

ing originally from that desert life, the Israelites were, therefore, familiar from the first with the idea of common ownership of property. The provision for the sharing of the natural products of the ground in common by all members of the community in the seventh year of rest is probably a reflection of that early idea. Possibly the law in regard to the gleanings belongs to the same class. The law of the year of jubilee attempts, therefore, to correct social evils by reasserting and reapplying an old principle which had fallen into abeyance.

In the small Jewish community which began life anew in Palestine after the destruction of Jerusalem by Nebuchadrezzar this law was not necessarily impracticable. The detail with which it is developed by the priestly legislators is conclusive evidence that they did not consider that they were promulgating merely a theoretical law. If it had been applied in the spirit in which it was written, the character as well as the history of the post-exilic community would probably have been far different from what they actually proved. That it was not observed after the exile appears to be conclusively demonstrated. It represents, therefore, an ideal which the majority of the race never realized, but which could not have failed to influence the nobler and more responsive souls in Israel.

1. *Restoration of Property in the Year of Jubilee* (Lev. 25:10b, 13-15, 23-28)

Priestly Codes.

The general law (Lev. 25: 10b, 13-15)

(Ps) In the year of jubilee every Israelite shall enter again into possession of his ancestral lands. All sales of property shall be made with a view to its reversion to the original owner in the fiftieth year, so that, for example, a man buying a piece of land shall only pay an equivalent for the crops which it will bear before the year of jubilee.

Priestly Codes.

Redemption of land (Lev. 25: 23, 24)

(Ph) No land shall be sold in perpetuity, but in every case the original owners shall have the right, if they have the available wealth, of buying back their ancestral estates. Jehovah, the Lord of the whole earth, whose tenants the Israelites are, reserves this right.[1]

Basis of the redemption (Lev. 25: 25-28)

(Ph) If an Israelite is compelled by poverty to sell a portion of his ancestral estate, it shall be the duty of his kinsmen to redeem it. If there is no relative to redeem it, and the man later acquires sufficient means, he may himself redeem it by paying to the one who purchased it a sum equivalent to the rent for the years remaining until the year of jubilee; otherwise it shall remain in the possession of the purchaser until the year of jubilee, when it shall revert to him.

[1] For certain limitations regarding property in walled cities, found in Lev. 25:29-34, cf. p. 155.

2. *Manumission of Slaves in the Year of Jubilee* (Lev. 25 : 10[a], 39[b]-42, 47-52, 54)

Priestly Codes.

(P[h]) The fiftieth shall be a year of universal release. An Israelite who sells himself to one of his race shall serve until the fiftieth year of jubilee, and then he and his children shall be given their freedom, and shall be allowed to return to their family and to their ancestral estates, for the Israelites belong to Jehovah, who ransomed them from the bondage of Egypt and will not allow them again to be brought into slavery.[1] General liberation (Lev. 25 : 10[a], 39[b]-42)

X

THE RIGHTS AND TREATMENT OF RESIDENT ALIENS

(Ex. 12 : 49 ; 22 : 21 ; 23 : 9, 12 ; Dt. 1 : 16 ; 10 : 18[b], 19 ; 14 : 29 ; 16 : 11, 14 ; 24 : 14, 17[a], 19-21 ; 26 : 11-13 ; 27 : 19 ; Lev. 19 : 10, 34 ; 24 : 22 ; Num. 9 : 14 ; 15 : 15, 16, 29, 30)

The attitude of ancient peoples toward foreigners was usually hostile. Ordinarily an alien was regarded as an enemy. Even the cultured Greeks classified all foreigners

[1] For law of Lev. 25 : 47-52, 54 regarding redemption and manumission of Israelites sold to aliens, cf. p. 125.

as barbarians. In the Semitic world, where blood-kinship —real or theoretical—was the chief bond holding together society, the lot of the one who was beyond the protection of his tribe or people was pitiable and desperate. He was the prey of every man, and none would champion his cause or avenge injuries done to him. Consequently the temptation to wrong and oppress him was strong. Although he would hasten to place himself under the protection of the tribe or a strong chieftain, it was impossible for him to forget or conceal the fact that he was of alien blood. Consequently there was great need that the lawgivers, inspired by their broad love for humanity, should protect him with their injunctions. This they endeavored faithfully to do. Seventy different enactments—several of which are duplicates—were devoted to guarding the interests of the unprotected aliens. In these laws (already fully classified, pp. 128-134), which culminate in the command that the Israelites love the resident aliens as they do their own kinsmen, the humanitarian element in the Old Testament finds almost its highest expression.

Deuteronomic Codes.

Love toward the alien (Dt. 10: 18b, 19)

As Jehovah shows his love toward the resident alien by providing him with food and clothing, so also the Israelites should love the foreigners dwelling in their midst, for like them they were once defenceless strangers in Egypt.

Priestly Codes.

(Ph) The Israelites shall treat the foreigners dwelling in their midst with the same tender consideration as they show to those born in their own homes. They shall love them as they do themselves, making the interests of the resident aliens their own, ever remembering that they were once sojourners in the land of Egypt. Kindness and love (Lev. 19: 34)

(P) Resident aliens shall be subject to the same laws, and shall enjoy exactly the same rights and privileges, as the native Israelites. One law for all (Ex. 12: 49; Lev. 24: 22; Num. 9: 14; 15: 15, 16, 29, 30)

XI

THE OLD TESTAMENT LAW OF LOVE (Ex. 23: 4, 5; Lev. 19: 17, 18)

Primitive Codes.

(E) If a man find a stray ox or ass belonging to his enemy, he shall surely resist the temptation to be avenged upon his foe, and shall return the animal at once to its owner. Likewise, if he finds one who hates him in need of help, he must overcome his impulse to stand aloof and must unhesitatingly give to his foe the needed aid. Do unto your enemy as you would have him do unto you (Ex. 23: 4, 5)

Priestly Codes.

(Ph) A man shall not cherish hatred in his heart against his neighbor. Let no one sin by neglecting to perform a

Love thy neighbor as thyself (Lev. 19 : 17, 18)

kindly office for a brother-man. Let him not seek to be revenged for a wrong nor bear any grudge against a fellow-countryman. Rather let him love his neighbor as himself, and thereby prove himself a true son of the divine Father of Love.

RELIGIOUS LAWS

RELIGIOUS LAWS

I

THE PROPHETIC ELEMENT IN THE LAW

Although in the eyes of later Judaism the law was esteemed far more highly than prophecy, in its origin Israelitish legislation represents the translation of the teachings of the prophets into the terms of daily life and ritual. Thus the lawgivers, like the sages, in their characteristic way interpreted to the masses the exalted principles of their prophetic colleagues to whom is traceable that which is fundamentally new and unique in each successive code. Ordinarily the translation is so complete that there is little trace of the original prophetic form of expression. Often in the later codes the original prophetic principle is almost completely obscured by the mass of ceremonial detail; but in certain of the laws, especially in the Deuteronomic, where the influence of the prophets is most patent, their characteristic language as well as ideas appear. These commands are exactly paralleled by many passages in the sermons of Amos, Hosea, Isaiah, and Jeremiah. The emphasis is laid not upon ritual observ-

ance, but upon acts and attitude toward God. The appeal is to the conscience of the nation and individual. They are really exhortations rather than enactments which can be enforced by society. Jehovah alone will punish non-compliance. These laws constitute a prophetic strand which runs through all the codes, furnishing the most obvious evidence of the direct and powerful influence of the prophets upon the work of the lawgivers. In slightly varying form the same obligation is repeatedly emphasized. Thus twenty-one commands or exhortations to keep the law are found, fourteen to fear Jehovah, and ten or more insisting upon Israel's obligation to be a holy nation. These laws are classified as religious, to distinguish them from the other groups, because they are concerned primarily with the personal relation betwen Jehovah and his people, and therefore treat the most fundamental problem of religion. They are here subdivided according as they emphasize the obligations of the people collectively, or as individuals, although the distinction is not always strictly maintained in the different laws.

II

ISRAEL'S OBLIGATION AS A NATION TO JEHOVAH

1. *To Abstain from Apostasy and Idolatry* (Ex. 34 : 14-17 ; 20 : 1-5, 22, 23 ; Dt. 5 : 7-10 ; 6 : 14, 15 ; 27 : 15 ; Lev. 26 : 1)

Primitive, Deuteronomic and Priestly Codes.

Jehovah deserves and demands the loyal worship of his people. Therefore let no Israelite prove a traitor to him by paying homage to any other god or by making or worshipping an image.

Loyal worship (cf. above ; also pp. 64-71)

2. *To Abstain from Heathen Rites* (Dt. 18 : 9 ; 12 : 29-31 ; 14 : 1, 2 ; Lev. 18 : 3 ; 20 : 23 ; 19 : 27, 28)

Deuteronomic and Priestly Codes.

Let no Israelite imitate the religious customs of the earlier inhabitants of Canaan or of their neighbors, especially in sacrificing their children to the gods and in disfiguring themselves in honor of heathen deities or to show their grief for the dead.

No heathen customs to be tolerated (cf. above ; also pp. 71-73)

3. *To Abolish Heathen Shrines and Symbols* (Ex. 34 : 12, 13 ; 23 : 24 ; Dt. 12 : 2, 3 ; 7 : 5, 25)

Primitive and Deuteronomic Codes.

All the ancient shrines on the tops of hills and mountains and beneath the sacred trees, where the older in-

Complete destruction of all reminders of the ancient cult (cf. above)

habitants of the land worshipped their gods, shall be destroyed; and all the paraphernalia of their degrading cults, the altars, the obscene pillars, the sacred poles, and the images of their gods shall be overthrown and burnt with fire, that they may not continue to lead the people away from the pure and simple worship of Jehovah.

4. *To Preserve the Law in its Integrity* (Dt. 4 : 2)

Deuteronomic Codes.

No modification of the law (cf. above)

(D^s) As Israel's laws are revealed through Jehovah's faithful representative, so shall they be preserved without unauthorized additions; nor shall any of their provisions be set aside or neutralized.

5. *To Study and Remember the Law* (Dt. 4 : 9-14; 6 : 6, 7; 11 : 18[a])

Deuteronomic Codes.

Constant study of the law (cf. above)

(D^s) Let the whole nation devote itself constantly to the study of the principles of the law that they may become indelibly impressed upon the memory of the race and be an ever-present guide and inspiration to right action.

6. *To Wear Constant Reminders of the Law* (Dt. 6 : 8, 9; 11 : 18[b]-20; 22 : 12; Num. 15 : 37-41)

Deuteronomic and Priestly Codes.

Reminders of the fundamental principles of Israel's religion should at all times be kept before the eyes of the

people.[1] On the corners of the mantle, worn by every Israelite, shall be found tassels, fastened by twisted cords of blue, which shall constantly recall to the mind of the wearer the commands of Jehovah and of his sacred obligations to follow them, thus deterring him from yielding to temptation.

Symbols to remind the Israelites of their law (cf. above)

7. *To Follow Faithfully the Commands of the Law* (Dt. 5 : 1, 32, 33; 6 : 3a, 17; 7 : 11, 12; 8 : 1, 11-14; 10 : 12, 13; 11 : 1, 8, 9, 32; 26 : 16, 17; 4 : 5, 6; 27 : 10, 26; 30 : 15, 16; Lev. 18 : 4, 5, 26; 19 : 19a, 37; 20 : 8, 22)

Deuteronomic and Priestly Codes.

If the people of Jehovah would enjoy prosperity, a long life as a nation, and the realization of the many promises vouchsafed to them, let them faithfully adhere to all the commands and regulations laid down by God in their law.

The duty and reward of obedience (cf. above)

[1] The command to bind the words, "for a sign upon thine hand, and they shall be for frontlets between thine eyes," may originally have been intended to be interpreted literally, as it was by the later Jews, who enclosed written extracts from the law in leather cases and bound them to their left arms and foreheads. These were the phylacteries referred to in the New Testament. The custom of writing lucky sentences over the entrance to a building was common among the ancient Egyptians, and is still in vogue among the Arabs to-day (cf. Driver, *Deuteronomy*, p. 93).

8. *To Make no Alliances with the Inhabitants of Canaan* (Ex. 34 : 12, 13, 15, 16; 23 : 31-33; Dt. 7 : 1-4)

Primitive and Deuteronomic Codes.

No alliances with the Canaanitish peoples (cf. above)

Let the Israelites make no alliances with the inhabitants of Canaan, either by treaty or by intermarriage, lest they be influenced thereby to worship the gods of their allies and thus prove unfaithful to Jehovah.

9. *To Be a Holy Nation* (Ex. 22 : 31[a]; 19 : 6; Dt. 7 : 6; 14 : 2, 21[c]; 18 : 13; 26 : 16-19; 28 : 9, 10; Lev. 18 : 24, 25; 19 : 2; 20 : 26)

Primitive, Deuteronomic and Priestly Codes.

The consecrated ambassadors of a holy God (cf. above)

The Israelites are called by Jehovah to be a nation of priests, morally and ceremonially clean, worthy of the pure and exalted God whose representatives they are before all other members of the human family.

III

PERSONAL OBLIGATIONS TO JEHOVAH

1. *Reverence* (Deut. 4 : 10; 5 : 29; 6 : 2, 13, 24; 8 : 6; 10 : 12, 20; 13 : 4; 14 : 23; 17 : 19; 31 : 12, 13; Lev. 19 : 32c)

Deuteronomic and Priestly Codes.

The attitude of every Israelite toward Jehovah the Creator and absolute Ruler of the universe should be that of genuine reverence and piety, so that the supreme aim of each man shall be to realize in life and act the will of his divine King and Father.

The "fear of God" is the basis of religion (cf. above)

2. *Gratitude* (Dt. 6 : 10-12; 8 : 10-19)

Deuteronomic Codes.

Let the Israelites never forget that all their prosperity and the achievements of their national and individual experience are Jehovah's gifts, nor cease to ascribe to him all praise for what they have and are.

Unceasing thanks due to the great Source of all (cf. above)

3. *Loyalty* (Ex. 34 : 14; 23 : 13; Dt. 5 : 6, 7)

Primitive and Deuteronomic Codes.

Jehovah demands nothing less than the complete worship and allegiance of his people, therefore let every Israelite give these to him in fullest measure.

Undivided allegiance (cf. above)

4. *Obedience* (Dt. 6 : 17, 18; 10 : 16; 30 : 8-10)

Deuteronomic Codes.

God's approval secured only by obedience (cf. above)

Only by a ready and faithful response to the demands of Jehovah, as revealed in his laws, can his people discharge their obligations to him and win his favor and the rich blessings which he has promised.

5. *Love* (Dt. 6 : 4, 5; 10 : 12, 13; 11 : 1, 13-15; 30 : 15, 16, 19, 20)

Deuteronomic Codes.

Love the supreme bond between man and God (cf. above)

Jehovah requires more than formal service and outward act; he desires in the heart of every worshipper a love for him which shall dominate the entire being and life and prove ever responsive to the infinite love which he himself feels for each one of his children.

6. *Service* (Ex. 23 : 25 : Dt. 6 : 13; 10 : 12, 20; 11 : 13-15; Lev. 25 : 55)

Primitive, Deuteronomic and Priestly Codes.

Service the index of true religion (cf. above)

In the acts of public devotion and in the faithful discharge of all religious duties,[1] reverence and love toward God find their true expression.

[1] Originally and ordinarily the word translated "serve" referred to formal acts of worship; but its use in connection with the commands to revere and love Jehovah, and in passages more prophetical than priestly in spirit indicates that it also had a wider content.

CEREMONIAL LAWS

CEREMONIAL LAWS

I

THE DEVELOPMENT OF CEREMONIAL LAWS AND INSTITUTIONS

Israel's earliest code (Ex. 34 : 10-26) emphasizes ceremonial rather than moral duties. Repeated references in the prophets indicate that the majority of their contemporaries continued to believe that the chief demand which Jehovah made upon them was to bring to him sacrifices and to observe certain religious rites (Am. 4 : 4, 5 ; 5 : 21-25; Mi. 6 : 6-8; Is. 1 : 10-17). This deep-seated fallacy was one of the greatest obstacles which thwarted the prophets and sages in their devoted efforts to inculcate the lessons of social and personal righteousness. The tendency in most, if not all ancient religions, was constantly toward greater ceremonialism. Those of Egypt, Babylonia, Phœnicia and Persia are conspicuous illustrations. In Israel also, as in Egypt and Phœnicia, the priests in the end became so powerful that they absorbed all political, as well as religious authority. The Old Testament laws are a graphic record of that movement which culminated

in the hierarchy and the highly developed ceremonial institutions of later Judaism. The majority of the laws of the Primitive and Deuteronomic codes, representing as they do the period when the monarchy was in existence and the influence of the prophets in the ascendency, emphasize primarily civic, social, moral, humanitarian and religious duties. Ceremonial institutions receive only secondary attention. This is undoubtedly due in part to the fact that all the pre-exilic legislation found in the Bible is from the pen of prophetic editors and authors. Nevertheless ceremonial usages and possibly corresponding written laws were developing during this period.

The Babylonian exile, however, and the peculiar conditions and influences which grew out of it accelerated this tendency (cf. pp. 37, 38) in a remarkable degree. More than three-fourths of the regulations found in the Priestly codes are ceremonial. Except in the development of the laws of the fiftieth year of jubilee, these latter codes add little to the criminal and civil legislation of the earlier systems. It is also significant that the Holiness code, which stands nearest to the pre-exilic period and reflects most of its life, contains far more secular laws than do the latest Priestly codes, which deal with little else than the ritual. The same ritualistic tendency, exaggerated to an absurd degree, can be traced still further in the oral law of later Judaism. At last the law became a burden which rested heavily upon the shoulders of the nation

instead of being that aid and inspiration on the way to righteousness and true happiness which it certainly was during the earlier period.

II

SACRED PLACES AND OBJECTS

1. *Pre-Exilic Shrines*

The traditions of Israel's earliest ceremonial religious life centre about the ark. Arks appear to have been in use among many primitive peoples. The ancient monuments frequently represent processions among the Babylonians and Egyptians in which the images of the gods are being borne in solemn state in arks or coffers. They are also referred to in the inscriptions. They seem to have been known to the Canaanites and Phœnicians. The ark or coffer evidently came into use to meet a need which ancient peoples felt for something in which to transport the images of their gods. It is not confined to Semitic peoples. The Hindoos and certain religious sects among the Japanese, for example, still employ them. Therefore that the Hebrews inherited this institution from their ancestors, when the latter were still worshippers of many gods, or else received it from their polytheistic neighbors, seems obvious.

The oldest name for it seems to have been "ark of God" or "ark of Jehovah."[1] This indicates that, like the temple of Jehovah, it was thought of originally as being the especial dwelling-place of the deity, The sanctity associated with it in the earliest historical periods confirms this conclusion. In the later times, when the conception of Jehovah as a God of spirit not limited to one place became common, the title "ark of the covenant of Jehovah," that is the ark where the law defining Jehovah's covenant was kept, came into general use. This was the name employed by the Deuteronomic writers; while the later Priestly codes employ the corresponding term, "ark of the testimony" or "of the publicly delivered ordinances." It is also significant that the laws commanding that the tablets containing the ten words be placed in the ark, as well as a copy of the law, appear first in the additions to the Deuteronomic codes. The belief, therefore, that it was the repository of a copy of the law cannot be definitely traced before the later days of the Judean kingdom,[2] and first finds full expression in the exile, after the ark had disappeared. In the light of the analogies among other Semitic peoples, it has been sug-

[1] Cf. Encyc. Bib., article "Ark." The fuller title "ark of Jehovah of Hosts" is also used. Cf. in addition 1 S. 4 : 4 ; 2 S. 6 : 2.

[2] The references in the earliest prophetic traditions are obscure and show the influence of later editorship. The silence of the Books of Samuel regarding the contents of the ark is also significant.

gested[1] that the basis of the later tradition was the fact that the ark originally contained one or two sacred stones, like the two black and white stones built into the Ka'ba at Mecca; and that these, although inherited from a very primitive stage in the religious history of the race, were in time regarded as being exceedingly holy and representative of Jehovah. This theory at least explains, in harmony with Semitic thought, the reputation for extreme sanctity and potency to insure victory in battle which it enjoyed in the early period.

The primitive law in regard to altars contains an indication of their original significance. Although not understanding the historical reason, the lawgiver enacts that no cutting instruments shall be used in the construction of a stone altar. The custom apparently survives from the early stage, when primitive man believed that the sacred stone, upon which he placed his offering, contained the deity. The horns of the altar may originally have symbolized the strength of the god. The law also implies the existence of many altars, public and private, scattered in the early days throughout the land of Canaan. As in the other pre-Deuteronomic writings, there is no hint that the multiplicity of altars and high places is not pleasing to Jehovah; rather they are tacitly sanctioned. Not until the great wave of heathenism swept over Judah

[1] Vatke, *Die Rel. des A. T.* 321; Benzinger, *Hebr. Arch.* 370; Encyc. Bib. i. 307.

during the reign of Manasseh and not until a more exalted conception of Jehovah's majesty and holiness was impressed upon the mind of the prophets, did the movement to abolish the high places and to centralize the ceremonial religious life of the nation in Jerusalem begin. One of the most powerful motives which prompted this was the recognition that in the sanctuaries, about which gathered the heathen customs and traditions of centuries, it would never be possible to instil into the minds of the people the revolutionizing prophetic teachings regarding Jehovah and his demands. At Jerusalem, however, under the direct guidance of the most progressive religious leaders of the nation, the conditions were more favorable. Worship at many local shrines also perpetuated the memory of the different gods there revered ; while the centralization of the religious life at Jerusalem emphasized the fact that one supreme God commanded the entire loyalty of the race. The comparatively limited territory of Judah made such a centralization possible and practicable. The revolution, however, involved such sweeping changes that it was not complete until the Babylonian exile and several centuries of painful national experience had exercised their transforming influences upon the mind of the race.

(1) *The Ark* (Num. 1 : 33-36; Josh. 3 : 6, 7, 13, 14; Dt. 10 : 1-5; 31 : 24-26; Ex. 25 : 10-22; Num. 3 : 31; 4 : 4-6)

Primitive Codes.

During the wilderness wandering and on their entrance into Canaan the ark, as the symbol of Jehovah's presence, protecting and leading his people, was borne before the Israelites.

Symbol of Jehovah's presence (Num. 10 : 33-36; Josh. 3 : 6-7, 13, 14)

Deuteronomic Codes.

(D^s) The tradition is that Moses inscribed the ten commandments upon stone tablets and at the divine command placed them in the ark; also that he wrote all the laws of the Deuteronomic law in a book and caused the Levites to put it in the ark that it might thus be preserved as an abiding record of Jehovah's demands upon his people.

Reputed to have contained the law (Dt. 10 : 1-5; 31 : 24-26)

Priestly Codes.

(P) According to the divine command the ark was to be made of acacia wood, in shape oblong—four feet long by two and one-fourth in width and depth—overlaid within and without with gold. Its lid also was provided with a projecting rim of gold, and covered with a heavy plate of the same costly metal. Poles, overlaid with gold, ran through golden rings, two attached to opposite sides of the ark, to facilitate its transportation. Above the ark at

Detailed description[1] (Ex. 25 : 10-22)

[1] This is found in connection with the description of the tabernacle.

each end rose two golden cherubim, facing each other with wings outspread, covering the sacred place where Jehovah promised to impart to Moses the commands which he was in turn to communicate to the Israelites.

The care of the ark (Num. 3 : 31, 4 : 4-6)

(P^s) To the Kohathites was entrusted the care of the ark. Whenever it was to be moved, however, the priests were first to cover it with the veil of the screen, then with a sealskin wrapping, and finally with a blue cloth. They were also to put in the poles before the Kohathites were allowed to approach and bear it away.

(2) *Ancient Altars and Places of Sacrifice* (Ex. 20 : 24-26; Dt. 27 : 5-7)

Primitive Codes.

Many altars throughout the land (Ex. 20 : 24-26; Dt. 27 : 5-7)

(E) In every place hallowed by the memory of some revelation of Jehovah, the Israelites may rear an earthen altar, and thither bring and offer their animal sacrifices, assured of the divine presence and blessing. If the altar be made of stone, none of the material employed in its construction shall be desecrated by contact with cutting instruments. Of unhewn stone shall it be made and provided with an incline leading up to it; but no steps shall be used, lest with their loose flowing garments the persons of the sacrificers be indecently exposed.

(3) *The Later Law of the One Sanctuary* (Dt. 12: 13-21, 26-28; 14: 22-27; 15: 19-20; 16: 5, 6; 31: 10, 11; 12: 1-12; Lev. 17: 3-9; 19: 21^{b}; 26: 2^{b}; Ex. 25: 8)

Deuteronomic Codes.

In Jerusalem alone is all the ceremonial religious life of the nation to be centred (Dt. 12: 13-21, 26-28; 14: 22-27; 15: 19, 20; 16: 5, 6; 31: 10, 11; 12: 1-12)

Not in many different shrines scattered throughout the land, but in the one central sanctuary, which Jehovah shall choose, shall the Hebrews present to him all their sacrifices. Thither they must resort at each of the great annual festivals, bringing with them their tithes, firstlings, first-fruits, and voluntary offerings, there to offer them to Jehovah and to share them with their households, with the Levites, and with the dependent members of the community. None of these offerings shall they eat at home; although they shall be permitted, as they desire, to kill animals there for food, but not to sacrifice them to Jehovah.

Priestly Codes.

Only one sanctuary (Lev. 17: 3-9; 19: 21^{b}; 26: 2^{b}; Ex. 25: 8)

The one central sanctuary of the race shall command its entire reverence and support. Thither all animals to be slain shall be brought and sacrificed in the presence of Jehovah.

2. Ezekiel's Temple

Born in Jerusalem of a priestly family, Ezekiel undoubtedly retained distinct memories of the first temple, which he wove into his plan for an ideal sanctuary. That which characterizes and dominates his entire programme is his desire to raise about the dwelling-place of Jehovah impassable barriers which would keep out anything inconsistent with the holiness of its divine tenant. This motive explains the size and prominence of the outer walls and gates. The dimensions of the encircling courts were also intended to be in harmony with the dignity of the omnipotent King. The whole plan aimed to impress upon the minds of the people the character of their God and hence the necessity of their giving to him their entire service. While the measurements appear to have been slightly different, the general plan of the temple proper was similar to that reared by Solomon.

(1) *Outer Gates and Courts* (Ezek. 40 : 5-27)

Surrounding wall (40 : 5)

In the temple plan presented by Ezekiel, a wall ten feet high and broad encircled all the buildings,[1] enclosing an

[1] In these estimates a cubit is reckoned in round numbers as equal to twenty-one inches, since Ezekiel distinctly states that he used the larger cubit, not the ordinary small cubit. Fractions of a foot will be disregarded. The description is reproduced with minor changes from the "Messages of the Later Prophets," pp. 116-121.

area eight hundred and seventy-five feet square and shutting in the sanctuary from the outside world.

The great gateway, which faced the east, was eighty-seven feet deep and half as wide. Steps led up through a portal ten feet wide to a passageway seventeen feet wide and forty-nine feet long. On each side of this were three guard-rooms for officers, each ten feet square and provided with windows. At the other end of the passageway was a second portal, similar in size to the first, which led into a large vestibule and then into the court-yard. The entrance through the eastern gateway (40: 6-16)

Around the outer court were thirty chambers, fronting upon a pavement which extended to the vestibule of the gateway. The court was one hundred and seventy-five feet wide. It had two other gateways on the north and south, exactly similar in construction and size to that on the east. The outer court and gateways (40: 17-27)

(2) *The Inner Court* (40: 28-47; 43: 13-17)

In the court directly opposite the three outer entrances were the three gates leading into the inner court. Their dimensions and construction were exactly like those of the outer gateways, except that their vestibules faced the outer court. The level of the inner court was reached by a flight of eight steps. Its three gateways (40: 28-37)

Connected with a vestibule of the inner gateway by a door was a chamber in which the burnt-offering was washed. In the vestibule itself stood four tables, two on The sacrificial tables (40: 38-43)

either side, and outside the vestibule two other pairs of tables, all for use in the slaughter of sacrificial victims. With each pair of tables was a smaller one of hewn stone, on which the sacrificial implements were laid.

The two apartments for priests (40 : 44-46)

In the inner court were two apartments, one by the north gate facing southward, the other by the south gate facing northward. The former was the residence of the priests who took care of the temple; the latter was for those of the family of Zadok, who ministered at the altar.

The great altar (40 : 47; 43 : 13-17)

The inner court itself was one hundred and seventy-five feet square. In the middle, so that it could be seen through the gateways, and immediately before the temple, was the great altar of burnt-offering. This was a huge structure of stone, rising in three regularly diminishing terraces to a height of twenty feet from a base thirty-two feet square and one and three-quarters feet in height. The steps by which the priests ascended to the altar-hearth faced the east.

3. *The Temple and its Adjuncts* (40 : 48 to 41 : 26)

The porch (40 : 48, 49)

On the western side of the inner court was the temple on an elevated platform approached by ten[1] steps. Ascending these, one entered a vestibule thirty-five feet wide and twenty-one feet long by an entrance twenty-four feet wide. On each side of the entrance was a huge pillar.

[1] Following the Septuagint.

Beyond the vestibule was the main hall of the temple, seventy feet in length by thirty-five in breadth, entered through a doorway seventeen feet wide. The main hall (41 : 1, 2)

Beyond this hall was the innermost shrine of the temple, the holy of holies. It was an exact cube, with a doorway ten feet in width. Within this hallowed spot, the abode of Jehovah's glory, no ordinary man was allowed to enter. The most holy place (41 : 3, 4)

The wall of the temple was ten feet thick at the bottom, narrowing toward the top. About it on all sides except the east was an outer wall nine feet thick, the interval between them at the base being seven feet. Between these walls were built small cells in three tiers, thirty chambers in each tier. The cells of the second and third tier were somewhat broader than those at the base, their supporting beams resting on the ledges made by the recession of the wall. The chambers at the side (41 : 5-7)

The tiers were connected by winding stairways, and opened into the terrace on which the temple stood. Thirty feet west of the temple was another large building. Its area, as well as that of the temple court and that of the inner court, was one hundred and seventy-five feet square. The raised platform (41 : 8-15a)

The whole interior of the temple was panelled and ceiled with wood. From floor to roof this woodwork was ornamented with carved work representing cherubs and palms. Before the holy of holies stood an altar-like wooden table for the showbread. Swinging doors led The interior of the temple (41 : 15b-26)

into the hall and into the most holy place, each door being made in two sections and elaborately carved.

4. *Other Buildings of the Inner Court* (42 : 1-14 ; 46 : 19-24)

The chambers for the priests (42 : 1-12)

On the northern and southern sides of the inner court were two three-story buildings, each one hundred and seventy-five by eighty-seven feet, with a passageway, fifteen feet wide in front. The uppermost stories included a gallery. The walls which faced the outer court extended only half of the length of the walls that faced the temple. These buildings could be entered from the passageways and from the outer court.

Their use (42 : 13, 14)

In these chambers the priests who minister at the altar were to store and eat their portions of the sacrificial offerings, and to lay aside their sacred garments before going into the outer court of the people.

The kitchen for priests and people (46 : 19-24)

In the western corners of the inner court were kitchens for the exclusive use of the priests in preparing their share of the sacrifices for food. In each corner of the outer court were also four kitchens seventy by fifty-two feet in size, surrounded by pillars, where the Levites boiled the sacrificial meats for the people.

3. *The Post-Exilic Conception of the Tent of Meeting or Tabernacle*

The tradition, that while the Israelites were in the wilderness there was outside the camp a tent of meeting whither the people went to determine the will of Jehovah and where he "spoke unto Moses face to face, as a man speaks unto his friend" (Ex. 33 : 11a), is found in the Elohistic group of narratives.[1] During Moses' lifetime Joshua is represented as ministering at this simple tent of meeting and, at the death of the former, as succeeding to the religious, as well as the political, leadership of the people. This early tradition appears to have been the kernel out of which grew the elaborate description of the tent of meeting or tabernacle, found in the Priestly codes. The tendency to project back into the Mosaic period ideas and institutions which first attained their full development after the exile is especially prominent in the priestly groups of laws and finds many illustrations (pp. 81, 82). That the tradition of the tabernacle has little, if any, historical basis has long been recognized by critical Bible students. Occasional discrepancies reveal the ideality of the plan. The elaborate and costly materials demanded were far beyond the resources of the Israelites to whom their earliest traditions introduce us. The skill required to construct the tabernacle was certainly not at the command of the

[1] Cf. Ex. 33 : 7-11 ; Dt. 31 : 14, 15 (E) ; Num. 11 : 16-17, 24-29 (E2).

wandering fugitives, whose descendants, even in the days of Solomon, were obliged to call in Phœnician workmen to build their temple. The structure contemplated is not a tent but a temple, modelled on a reduced scale after the structure reared by Solomon, and adapted in part to the conditions imposed by the life of the desert. The plan also assumes the Deuteronomic principle of the centralization of all worship in one sanctuary. Furthermore, aside from the Elohistic historian's references to the simple tent of meeting, there are no allusions to the tabernacle in Hebrew literature antedating the exile. Similarly several of the articles of furniture assigned to the tabernacle, like the altar of incense, did not come into use among the Israelites until centuries after their birth as a nation. The testimony of these converging lines of evidence therefore seems conclusive.

Like the contemporary institutions attributed by the author of Chronicles to the earlier periods, the detailed descriptions are chiefly of value as revealing the ideas and ideals current in the age when the writer lived. Its sketch of the furnishing of the tabernacle and of its service may be accepted as giving a reliable picture of those found in the second temple—at least after the institution of the priestly law in the time of Nehemiah.

Of the sacred objects used in the post-exilic temple, the ark and table of showbread can be traced back to an earlier period than the candlestick and altar of incense.

Tables of showbread were familiar objects in Babylonian and Assyrian temples. The Babylonian ritual stipulates that one or three or six dozen cakes of unleavened bread should be laid before the deity.[1] The story of David's flight from Saul (1 S. 21 : 3-6) reveals incidentally the fact that bread was presented as an offering to Jehovah at the primitive sanctuary at Nob before the building of Solomon's temple. It appears to have been from the first a regular offering in behalf of all the nation, even as in the ritual of the tabernacle.

The elaborate candelabrum, which figures in the tabernacle, is not mentioned in any writings antedating the exile. According to First Samuel 3 : 3 a lamp sufficed to light during the greater part of the night the primitive shrine at Shiloh; and in the minute description of the spoil taken from Solomon's temple by the Babylonians (2 K. 25 : 13-17) there is no reference to a candelabrum. Ezekiel also in his description of the finishing of his temple speaks only of the table of showbread. From these and other indications it has been inferred that the account of the ten golden candlesticks in First Kings 7 : 49 was inserted by a later hand.[2] Zechariah's vision (ch. 4) indicates that a seven-lamped candelabrum was, from the first, one of the prominent elements in the furnishing of the second temple. The number seven recalls the seven-branched

[1] Haupt, Journal of Bib. Lit., vol. xix, pt. 1, 59.

[2] Stade, *Zeitsch. f. A. T. W.*, 3, 168 ff.; Nowack, *Heb. Arch.*, 2, 40.

sacred trees which appear frequently on the ancient Babylonian bas-reliefs. Inasmuch as Josephus (B. J. vii. 5, 5) speaks of the trident-shaped candelabrum (which also figures on the arch of Titus) as a novelty, it has been inferred that the older form approached more closely to that of a tree.[1] In that case its purpose would be not merely to light the sanctuary, but also to symbolize, as did the tree in ancient Semitic thought, the fructifying, life-giving power of Jehovah. It may even have been a reminder of the tree of life introduced into the story of the garden of Eden and frequently referred to in later Hebrew writings.

Sweet odors are especially delectable to the nostrils of Orientals, and what was pleasing to men was regarded as a worthy offering for the gods. Incense was also often made from the gum, representing the life blood, of sacred trees.[2] This may further explain the fact that from earliest times it was widely used in religious worship. The Egyptians, Babylonians, and all the peoples who exerted the greatest influence upon Israelitish institutions, employed it. Not being a product of Canaan, it does not appear to have been regarded in early times by his people as a fit offering for Jehovah. With many other Assyrian religious customs, it seems first to have been introduced in the days of Manasseh. Jeremiah speaks of it slightingly: "To what purpose cometh to me frankincense from Sheba, and calamus from a far country?" (6 : 20[a]). This

[1] Encyc. Bib., 1.647. [2] Cf. Pliny, xii, 54.

and other references in the prophets of the period suggest the material employed (Jer. 41 : 5; 17 : 26; Is. 43 : 23; 60 : 6). The law in regard to a special altar of incense is found for the first time in a late priestly supplemental passage, indicating that it marked one of the very latest stages in the development of the temple ritual.

1. *The Tabernacle Proper* (Ex. 25 : 1-8; 26 : 1-33)

Priestly Codes.

Material (Ex. 25 : 1-8)

(P) The precious metals and stones and all the materials needed for the construction and equipment of the tabernacle were to be voluntarily presented by the people.

Plan and materials (Ex. 26 : 1-33)

The tabernacle itself was forty-five[1] feet long, and fifteen broad and high. The framework consisted of wide boards of acacia wood fifteen feet long, twenty-seven inches broad and eighteen thick, all set on end. These were fastened by means of sockets and tendons at the bottom and by encircling bars on the outside. This woodwork was covered with many-colored, variegated tapestries, and provided with rings and fastenings of gold. Instead of a roof there was a goat's-hair covering with ram's skins above and sealskins on the outside. The interior of the tabernacle was divided by a richly woven, variegated tapestry, fastened to four pillars, into two apartments : the

[1] Apparently the ordinary cubit is here used, being smaller than that of Ezekiel. Its exact length is unknown. It is here interpreted in round numbers as equal to eighteen inches.

first thirty feet long and the second, the holy of holies, fifteen feet square.

2. *Its Furnishings* (Ex. 25 : 23-40; Num. 8 : 4; Ex. 27 : 1-8; 30 : 17-21, 1-5; 26 : 34-36)

Table of showbread (Ex. 25 : 23-30)

(P) The table of showbread was three feet long, eighteen inches wide and two feet high, overlaid with gold and having a projecting top and a gold ring on each of its four corners through which passed the acacia poles with which it was to be transported. The plates, bowls and goblets were also made of pure gold.[1]

Candelabrum (Ex. 25 : 31-40; Num. 8 : 4)

The candelabrum was beaten out of one piece of pure gold. From an upright shaft six arms projected, each bearing three almond-shaped cups and ornamented beneath with the figures of flowers and buds. The whole terminated in seven lamps which gave light within the sanctuary. The snuffers and the snuff dishes were also of pure gold.

Great altar and its vessels (Ex. 27 : 1-8; 30 : 17-21)

The great altar for burnt-offerings was seven and one-half feet square and four and a half high, made of acacia wood planks, covered with bronze and provided with horns, projecting at each of its upper four corners. On its two opposite sides, connected with a bronze network which encircled the altar, were rings through which were put the acacia poles, overlaid with bronze, by which it was transported. The ash pans, shovels, basins, flesh-hooks

[1] For the description of the ark cf. p. 257.

and fire-pans, which were used in connection with the altar, were all of bronze; likewise the laver which stood near and which was provided for the use of the priests that they might wash their hands and feet before entering the tabernacle or offering burnt-offerings at the altar.

Altar of incense (Ex. 30:1-5)

(Ps) The altar of incense was made of acacia wood, a foot and a half square and three feet high and provided with horns. Its top, sides and horns were all overlaid with gold and its top encircled with a crown of gold. Rings of gold were constructed on two sides, for the poles, also overlaid with gold, by which the altar was carved.

Arrangements of the furnishings (Ex. 26:34-36; 30:6)

The ark of the testimony with its mercy seat beneath the wings of the cherubim was placed within the holy of holies, the table of showbread on the north side and the candlestick on the south side in the holy place, immediately in front of the curtain which led into the inner sanctuary. The altar of incense was also placed in front of the curtain. The front of the tabernacle was protected by five acacia wood pillars, overlaid with gold and covered with an embroidered, variegated linen screen.

3. *Its Court* (Ex. 27:9-19)

Size and furnishings of the court (Ex. 27:9-19)

The court of the tabernacle was one hundred and fifty feet long and seventy-five broad, enclosed by hangings made of white linen, suspended on sixty pillars of acacia wood, each thirty feet high and covered with bronze at the

base and with silver on the capitals, and provided with silver nails and rings. The pillars were seven and a half feet apart and rested in bronze sockets. On the east side was the entrance, thirty feet wide, provided with an embroidered, variegated linen screen. All the minor furnishings of the court were made of bronze.

4. *Its Service* (Ex. 25 : 30; Lev. 24 : 5-9; Ex. 27 : 20, 21; Lev. 24 : 1-4; Ex. 29 : 38-42; 30 : 7-10)

Showbread (Ex. 25 : 30; Lev. 24 : 5-9)

(P) These were the divine regulations regarding the details of the tabernacle service: The loaves for the table of showbread shall be twelve in number arranged in two rows of six. These shall be made out of fine flour, six and two-fifths quarts being used for each. They shall be renewed every sabbath and covered with frankincense. They shall serve as an offering from the people to Jehovah and as a reminder of the intimate and permanent relations existing between him and them. The loaves which are removed at the end of the week shall be eaten by the priests in a place free from all ceremonial pollution.

Lamps of the candelabrum (Ex. 27 : 20, 21; Lev. 24 : 1-4)

The pure olive oil which shall be used in the lamps of the candelabrum shall be provided by the people; and the priests shall see that the flame is kept continually burning, attending to it every morning and evening.

(Ps) Two lambs (not over a year old) shall be offered each day throughout the year on the great altar; one in the morn-

ing and the other at evening. With these shall be presented three quarts of fine flour, mixed with one and one-third quarts of olive oil and an equal quantity of wine. These shall be a symbol of the constant communion between Jehovah and his people. The daily burnt-offering (Ex. 29 : 38-42)

Each morning and evening incense shall be burned on the altar provided for the purpose; and once each year the high priest shall sprinkle upon it the blood of the sin-offering presented in behalf of the nation. Incense and atonement offerings (Ex. 30 : 7-10)

III

SACRED OFFICIALS IN THE PRE-EXILIC HEBREW STATE

Israelitish legislation recognizes two of the three classes of religious teachers who directed the moral and spiritual life of the nation. Of the sages or wise men it does not speak, since their work was done in private rather than in public, and they did not claim equal authority with the prophets and priests. The Deuteronomic code seeks to protect the people from the impositions of false prophets, and proposes a test which reveals how difficult it often must have been for the masses to distinguish between the true and the spurious.

Before the days of Ezekiel there is no trace of the

distinction between priests and Levites. Until the exile all priests are described as "sons of Levi." Whether this term, as used for example in Deuteronomy, designates members of a tribe or of a guild or class, bearing the name Levi, is not clear, since in accordance with Semitic usage it admits of either interpretation. Hebrew tradition explains it as a tribal designation and regards the call of the tribe to the priestly office as a reward for its loyalty to Moses and for its zeal for Jehovah when the Israelites were assembled at the foot of Mount Sinai (Ex. 32 : 25-29). Genesis 34, which seems to contain an older tradition, corroborated by the ancient poem found in Genesis 49 (cf. vv. 5-7), suggests that the zeal of the tribes of Simeon and Levi found expression during the early period of settlement in Canaan in a treacherous attack on the Canaanites dwelling in Shechem, and that the deed so aroused the horror of the Israelites, as well as the wrath of the wronged, that it resulted in the complete scattering of the surviving members of the offending tribes. This tradition explains why the Levites were a tribe without a home and therefore ready to assume priestly duties, although it does not make clear the basis of the popular belief (revealed in the story of the establishment of the sanctuary of Dan, Judg. 17 and 18), that they were especially eligible for these functions. The fact that the lineage of Jonathan, the Levite who presided at Dan, is traced to Moses suggests the reason. The tradition of their loyalty to the

great leader (Ex. 32 : 25-29), who according to the Elohistic prophetic writer was by birth himself a Levite, confirms the conjecture that they claimed to be his kinsmen and successors in the charge of the sacred oracles and in the ministry at the sanctuaries. Naturally in time all the priests at the different shrines, whether or not descendants of Moses or of the scattered tribe of Levi, were regarded by virtue of their office as "sons of Levi."

This tendency is paralleled by the history of other Hebrew and Semitic tribes in which traditional rather than actual descent from a common ancestor was the real uniting bond. Deuteronomy includes the priests of the high places, as well as those at Jerusalem, under the comprehensive term, "sons of Levi." In reality the term here simply designates an office and a caste, although the traditions of descent from Levi and kinship with Moses, which were associated with certain early incumbents, were probably extended to the entire guild of priests. Ezekiel demonstrates that the content of the term was not clearly defined, for he restricts it to the priests of the high places, declared illegal by the law of Deuteronomy, and assigns the Levites an inferior place in his hierarchy. Thus it is finally given a very different application from that suggested by its traditional origin ; for in all probability many of the priests at the high places were descended from Canaanites who officiated at the same shrines long before the Hebrews appeared in the land. If, however, Levi is

a gentilic derived from Leah, "wild cow," and the tribes of Leah were largely Canaanitic in their origin, as seems possible, Ezekiel's distinction rested on a definite historical basis, and the designation was felicitous.

As the story of the founding of the Danite sanctuary (Judg. 17 and 18) illustrates, the earliest duties of the priests were (1) to care for the idol or in later times, as at Shiloh, for the ark or whatever was the objective symbol of the deity, and (2) to care for and ascertain the divine will by means of the oracle. As guardians of the oracle and as a recognized class of religious leaders, other duties were in time assigned to them. The hereditary priests, associated with some of the high places, acquired property of their own (Dt. 18 : 8). Those at Jerusalem enjoyed the especial patronage of the king. From the days of the Judges the priests received pay for their services; but before the days of Josiah the majority of them do not appear to have had a definite income, and even after the Deuteronomic reformation for their support they are largely dependent upon the generosity of the individual members of the nation. In the days of Nehemiah, when the Deuteronomic code was still in force, their income proved entirely inadequate to their needs (Neh. 13 : 10-14).

Ezekiel in his programme for the restored Jewish state sought to correct this defect in the earlier system and to place the entire ceremonial service on a basis in keeping with Jehovah's dignity. Land was set aside for both the

priests and Levites and a stated income provided. Temple slaves were also excluded and to the Levites, the former priests of the high places, the more menial duties were entrusted.

1. *Prophets* (Dt. 18 : 15-22)

Deuteronomic Codes.

Jehovah will from time to time, as the needs of the people demand, raise up religious teachers and prophetic leaders, like Moses, to whom he will impart his messages; and to their words let the people give earnest heed. Call (Dt. 18:15-18)

The prophet who fails to hear and impart Jehovah's message to the people shall be punished by the God whose faithless servant he is. If in the name, but not at the command of God, or as the representative of another deity, one shall impiously assume the rôle of prophet, death shall be his punishment. The punishment of a false prophet (18 : 19, 20)

The evidence, as to whether a prophet has spoken truly at the command of God or not, shall be the fulfillment or non-fulfillment of his predictions. Test of a false prophet (18 : 21, 22)

2. *The Priests the Sons of Levi*

(1) *Call of the Tribe of Levi* (Ex. 32 : 25-29; Dt. 10 : 8)

(J) While Moses was on Mount Sinai, the people rebelled against his leadership and teaching and at the direc-

Reward of their loyalty to Jehovah (Ex. 32 : 25-29)

tion of Aaron made a molten calf and worshipped it. On Moses' return to the camp he appealed to those who were loyal to Jehovah to rally about him and the tribe of Levi responded. At the command of the great leader they slew about three thousand of the guilty Israelites and, as a reward for their fidelity, they were set aside for the service of Jehovah.

Deuteronomic Codes.

Call at Mount Sinai (Dt. 10 : 8)

While the Israelites were before Mount Sinai, Jehovah selected the tribe of Levi to bear his ark, to perform the ceremonial duties connected with his service, and to pronounce benedictions upon the people.

(2) *Duties* (Dt. 33 : 8a, 10; 19 : 17; 21 : 5; 17 : 8-13; 10 : 8; 18 : 5-7; 31 : 9, 25, 26; 26 : 1-4; 21 : 1-5; 24 : 8,9; 20 : 2-4)

Primitive Codes.

To inquire of Jehovah (Dt. 33 : 8a)

(E) To the tribe of Levi shall be entrusted the divine oracles that through them the people may ascertain the divine will.

Primitive and Deuteronomic Codes.

To act as judges (Dt. 33 : 10a,b; 19 : 17; 21 : 5)

As the guardians of the oracle, legal cases shall be referred to them and they shall render authoritative decisions in accordance with Jehovah's law, thus revealing and impressing upon the minds of the people the principles which it embodies.

Deuteronomic Codes.

(D) Levites shall also sit in the supreme court of appeal at Jerusalem to which questions too difficult for the local courts shall be referred. To sit in the supreme court (Dt. 17 : 8-13)

Primitive and Deuteronomic Codes.

They shall perform all duties in connection with the maintenance of the services of the sanctuary, such as the burning of the portions of each offering which are especially devoted to Jehovah and sacrificing the whole burnt-offerings on the altar.[1] To minister at the sanctuary (Dt. 33 : 10ᵃ; 10 : 8ᵇ; 18 : 5-7)

Deuteronomic Codes.

They were also the attendants who carried and guarded the ark of Jehovah until it found its final resting place in the temple. To bear the ark (Dt, 10 : 8ᵃ; 31 : 9)

They shall receive the basket of first-fruits which every Israelite is commanded to present to Jehovah at the sanctuary as a token of fealty to his divine king. To receive the basket of first-fruits (26 : 1-4)

They shall guard the copies of the written law, as well as pronounce the decisions which it embodies. To guard the law (31 : 9, 25, 26)

They shall join with the elders and local judges of a village, within the bounds of which a murder has been committed, in the ceremony by which that town shall be absolved from all guilt. To officiate in absolving the community (21 : 1-5)

[1] The passage in Dt. 33 : 10ᵃ ordinarily translated, "put incense before thee," apparently refers to the sweet savor which rises from the burning sacrifices. The expression is therefore equivalent to "offer sacrifice."

To attend to cases of leprosy (24 : 8, 9)

They shall investigate and give instructions as to what shall be done whenever an Israelite is afflicted with the loathsome disease of leprosy.

To encourage the army (20 : 2-4)

When the Israelitish army is about to advance into battle the priest in attendance upon it shall exhort the warriors to be brave, and to trust Jehovah, assured that he will deliver his people from the hands of their foes.

(3) *Means of Support* (Dt. 12 : 11, 12 : 17-19; 14 : 22-27; 16 : 10-15; 18 : 1-8)

Deuteronomic Codes.

A share in the offerings of the people (Dt. 12 : 11, 12, 17-19; 14 : 22-27; 16 : 10-15)

The Levites shall be allowed with the families of the offerers to share the regular and voluntary gifts, which the people shall bring to Jehovah at the sanctuary, and in the festivities of the great feast days. They shall also not be allowed by the members of the community in which they reside to suffer want, for they have no possessions of their own.

Their portion of the ordinary offerings (18 : 1-5)

In lieu of an inheritance and in return for their services at the sanctuary the priests, who comprise the tribe of Levi, shall have as their portion the shoulder, the two cheeks and the maw of every animal sacrificed; also the first-fruits of all the grain, wine and oil and the first fleece of the sheep which shall be presented by the people to Jehovah.

Any Levite, not resident in Jerusalem, who comes to the central sanctuary and joins the priesthood located

there, shall share equally with the others in the duties and in the income of his office, even though he has some income from the sale of ancestral property. All ministering Levites shall share alike (18 : 6-8)

(4) *Property* (Dt. 18 : 1, 2, 8; 10 : 8, 9)

Deuteronomic Codes.

Contrary to the usage of the earlier priests connected with the local sanctuaries, the tribe of Levi shall hold no land in Israel. To hold no property (Dt. 18 : 1, 2, 8; 10 : 8, 9)

3. *Slaves of the Sanctuary* (Josh. 9 : 26, 27)

Primitive Codes.

(J) After the conquest of the Canaanites by the Israelites, Joshua made the Gibeonites perpetual slaves of the sanctuary, charged with performing the menial duties connected with its service. The Gibeonites (Josh. 9 : 26, 27)

IV

THE SACRED OFFICIALS IN EZEKIEL'S HIERARCHY (Ezek. 44 : 6 to 45 : 17)

No longer shall foreign menials be admitted within the temple and charged with any of its services. Hereafter the Levites, the members of the priestly families, which ministered at the high places and promoted Israel's un- Servants of foreign birth to be replaced by Levites (44 : 6-14)

faithfulness, shall be responsible for the menial duties connected with the sanctuary. They shall guard the gateways, serve the priests, slay the animals for sacrifice, and wait upon the worshippers.

Priests to be Zadokites (44 : 15, 16)

The members of the priestly family of Zadok, who have ministered at the Jerusalem temple since the days of Solomon and who have always proved loyal to Jehovah, shall alone be eligible to perform the important priestly functions.

Their clothing (44 : 17-19)

While engaged in the service of the sanctuary they shall wear, for the sake of coolness and purity, only linen clothing. Before mingling with the people they shall change these garments, leaving them in the appointed chambers.

Measures promotive of sanctity (44 : 20-22, 25-27)

They shall neither shave their heads nor let their hair grow long like the Nazarite. They shall refrain from wine while on duty. They shall marry no one but a virgin or the widow of a priest. They shall not approach a dead body except that of a blood-relative. They shall then remain unclean, not serving at the altar for seven days, and shall thereafter present a sin-offering.

Their duties (44 : 23, 24)

They shall instruct the people regarding ceremonial obligations and decide difficult cases. They shall also arbitrate in disputes between man and man, control public worship, and enforce the due observance of sacred days and seasons.

Their means of support (44 : 28-31)

They shall not be expected to support themselves, but shall subsist entirely upon the offerings brought to the

sanctuary. It is lawful for them to eat whatever is not to be consumed by fire. Theirs also is all property consecrated to Jehovah, the best of the first-fruits and the thank-offerings. They must carefully avoid eating meat which has not been slaughtered.

The sacred reservation and its apportionment (45 : 1-8)

On the return from exile, when the land is reapportioned, a tract about seven miles square shall be marked out with the temple as its centre. Of this land two-fifths shall be set aside for the Levites and their cities.[1] Another two-fifths shall be allotted to the priests, in the centre of which shall be the domain required for the temple and the open court about, extending seventy-five feet on each side. The remainder of the reservation shall be given to the people who live in Jerusalem. All the territory east and west of the reservation shall belong to the prince who stands as the representative of the pre-exilic kings.

Duties of the prince (45 : 9-17)

The prince shall establish a correct scale of weights and measures, so that all robbery of the people in his name shall cease. They shall turn over to him for the support of the ritual one-sixteenth of their produce of grain, one one-hundredth of their oil, and one out of every two hundred lambs. He shall in turn provide that which is needful for all the stated public sacrifices.

[1] Following the Septuagint version.

V

THE POST-EXILIC HIERARCHY

1. *The Later Traditions regarding the Origin of the Priestly Hierarchy* (Num. 3 : 5, 10; 17 : 1-11; 18 : 1-7)

Priestly Codes.

Call through Moses (Num. 3 : 5, 10)

(P) In the wilderness of Sinai Jehovah commanded Moses to appoint Aaron and his sons to the priestly office, and declared that anyone who attempted to usurp their position should be put to death.

Call of Aaron by the sign of the budding rod (Num. 17 : 1-11; 18 : 1-7)

(P) When Korah and certain of the princes of Israel in the wilderness rebelled against Moses and Aaron and paid for their treason by their death, Jehovah by a miraculous sign called Aaron and his sons to take charge of his sanctuary and its services, giving them the priestly office as a perpetual gift and declaring that anyone who should attempt to usurp their position would be put to death. At the same time the Levites were given to the sons of Aaron as servants to perform the more menial duties connected with the service of the sanctuary.

2. *Levites*[1]

(1) *Legal Age of Service* (Num. 8 : 24-26)

Priestly Codes.

(P^{s}) The Levites shall be eligible for service at the age of twenty-five and shall be retired from active duties at the age of fifty, ever after simply assisting in guarding the sacred things. (Num. 8: 24-26)

Only twenty years of service

(2) *Consecration to their Office* (Num. 8 : 5-22)

Priestly Codes.

In initiating the Levites into their duties the priests[2] shall first sprinkle them with water as a symbol of their cleansing from sin and then cause them to be shaved from head to foot and their garments and person thoroughly washed. The people shall lay their hands upon the heads of the Levites as a sign that they are an offering to Jehovah in behalf of the nation. Two bullocks shall also be provided with the proper meal-offerings. Upon the heads of each the Levites shall lay their hands; and then one of the animals shall be sacrificed as a sin-offering and the other as a burnt-offering for their ceremonial cleansing and consecration. Then the Levites shall enter upon their duties in the sanctuary.

Ceremonial cleansing preparatory to entering upon their duties (Num. 8: 5-22)

[1] 1 Chr. 23 to 26 contains many valuable suggestions regarding the position and duties of the Levites in the post-exilic period when the chronicler lived.

[2] The entire section is apparently a late addition to the Priestly code and in itself a composite. In the older portion Moses is commanded to superintend the ceremony, in the later Aaron. The original Priestly code knows nothing of a consecration ceremony for the Levites.

(3) *Duties* (Num. 3 : 5-9 ; 18 : 1-6 ; 8 : 15, 24-26 ; 1 : 47-53 ; 3 : 25-37 ; 4 : 4, 5, 15, 24-33)

Priestly Codes.

Keepers of the sanctuary (Num. 3 : 5-9 ; 29-32)

(P) The Levites shall take charge of the sanctuary and its furniture, doing all the menial work required to keep these in proper order.

Guardians of the sacred things (Num. 18 : 1-6 ; 1 : 50e, 53)

They shall guard the sanctuary and the sacred things, that no foreigners or persons ceremonially unclean may approach and desecrate them. They themselves, however, shall not be allowed to touch the sacred vessels or the altar.

Assistants of the priests (Num. 18 : 2 ; 8 : 15, 24, 25)

They shall be the servants of the priests, assisting them in the performance of all their duties in connection with the service of the sanctuary.

Porters (Num. 1 : 47-51 ; 3 : 25-37 ; 4 : 4, 5, 15, 24-33)

(Ps) They shall also be the burden-bearers, carrying the utensils and objects used in the service, even as in the wilderness they bore the furniture and different parts of the tabernacle.[1]

(4) *Property and Means of Support* (Num. 18 : 21, 23, 24 ; 31 : 28-30, 47 ; 35 : 1-8 ; Lev. 25 : 29-34)

Priestly Codes.

A tithe of all the land produces (Num. 18 : 21, 23, 24)

(P) A tithe of all the income of the Israelites shall be turned over to the Levites for their support, since they have no inheritance of their own.

[1] 1 Chr. 23 : 30 adds that it was the duty of certain of the Levites "to stand every morning and evening to thank and praise Jehovah," that is to act as temple singers.

(Ps) One one-hundredth of all the persons captured by the Israelites in war, or an equivalent, shall be given by the people to the Levites in return for their services at the sanctuary. Share in the spoils of war (Num. 31 : 28-30, 47)

According to a late tradition, Jehovah through Moses commanded that the Israelites should set aside forty-eight villages, with the pasture lands about for a radius of half a mile, as possessions and places of abode for the Levites. Forty-eight villages with their suburbs to be given to them (Num: 35 : 1-8)

While according to the law of the year of jubilee a man buying a house in a walled town from another Israelite can at the end of a year secure a permanent title, the rule shall not apply to the walled towns of the Levites. At any time when they have the means they may buy back their ancestral property which they may have sold, and all shall revert to them on the fiftieth year of jubilee. The suburban land about each of their towns shall not be sold at all, for it is common property. No property of the Levites to be sold in perpetuity (Lev. 25 : 29-34)

3. *The Priests*

(1) *Qualifications Requisite for the Performance of Priestly Service* (Lev. 21 : 16-24)

Priestly Codes.

No member of the priestly tribe who has any physical defect, either the result of birth or accident, or who is suffering from a loathsome disease shall be eligible for service in connection with the sanctuary, nor shall he be permitted to approach the temple or altar. He shall, however, share with his kinsmen the portions of the sacrificial offerings which fall to the priests. Freedom from every physical defect (Lev. 21 : 16-24)

(2) *Consecration of the Priestly Office* (Lev. 8; 9; Ex. 29: 1-25, 35, 36; 40: 12, 14, 15)

Priestly Codes.

Washing (Lev. 8: 6; Ex. 29: 4; 40: 12)
Clothing (Lev. 8: 13; Ex. 29: 8, 9; 40: 14)
Anointing (Lev. 8: 30; Ex. 40: 15)
Sacrifices and rites of initiation (Lev. 8: cf. 9; Ex. 29: 1-25, 35, 36)

(Ps) The initiation of a priest into his sacred office involves four distinct symbolic acts of purification and consecration.[1] First he must be bathed in front of the sanctuary.

Then he shall be clothed with the garment, the girdle, and the turban worn by the priests in performing their duties.

He shall also be anointed with the sacred oil.

Finally for seven successive days certain expiatory offerings shall be presented. These shall consist of a young bullock, upon the head of which the initiate shall first lay his hands. Then it shall be killed as a sin-offering. Its blood shall be sprinkled upon the horns of the altar by the officiating priest and the rest of the animal burned, after all its blood has been poured out before Jehovah. Likewise a ram shall be sacrificed as a whole burnt-offering. After the initiate has thus been symbolically purified, he shall lay his hands upon the head of another ram, which shall then be killed and with its blood the officiating priest shall smear the tip of the right ear and the great toe of the right foot of the candidate and sprinkle the altar. With the blood flowing at the foot of the altar he shall also sprinkle the initiate, as a symbol of his complete purification and consecration to Jehovah's service. Then the sacrificial portions of the ram and the accompanying cereal-offerings

[1] The order varies in the different sources. The details of the sacrifice also present many variations, being more complex in the later sources.

shall be placed in his hands and he shall advance and present them before Jehovah, and the officiating priest shall burn them upon the altar. The novice thus initiated into his duties shall then be allowed to prepare certain of the flesh of the second ram and eat it, together with the sacrificial bread. Each day for seven days these rites shall be repeated, while the initiate remains constantly in front of the sanctuary. At the close of the week he shall be admitted to the full rights and duties of the active priesthood.

(3) *Clothing* (Lev. 8: 13; Ex. 28: 40-43; 29: 8, 9; 40: 14)

Priestly Codes.

(Ps) The distinctive costume of the priests when engaged in their sacred duties shall be short linen trousers, with tunics, girdles and turbans, especially made for them. Distinctive costume when officiating (cf. above)

(4) *Ceremonial Cleanliness* (Lev. 21: 1-8; 22: 1-9; 10: 8, 9, 6, 7; Ex. 30: 17-21)

Priestly Codes.

(Ph) A priest shall not render himself ceremonially unclean by coming into contact with a corpse, except that of a near kinsman, for he is the representative before the people of the principle of purity. To avoid contact with the dead (Lev. 21: 1-4)

He shall not desecrate his person by shaving the top of his head or by cutting off the corners of his beard or by making incisions in his flesh, as do the devotees of heathen gods, for he is consecrated to the service of Jehovah. Mutilation of person (Lev. 21: 5, 6)

Unworthy marriage (Lev. 21: 7, 8)

He shall not marry a public or a religious prostitute nor a divorced woman.

To abstain from contact with anything ceremonially defiling (Lev. 22: 1-9)

No priest shall approach to the holy things, which the people have consecrated to Jehovah, when he is ceremonially unclean; nor shall he eat of the consecrated food when suffering from leprosy or a loathsome disease or when he has come into contact with anything unclean. When he is rendered ceremonially unclean by touching anything, he shall remain so until sunset, and then he shall bathe in water and may eat of the food which belongs to him as a priest. From the flesh of animals dying a natural death or torn by beasts of prey he shall carefully abstain. If he does not faithfully keep himself ceremonially clean, his infidelity and impiety will cost him his life.

To take no intoxicants (Lev. 10: 8, 9)

(P) While performing their duties in the sanctuary no priest shall ever drink wine or any other intoxicant.

To refrain from mourning (Lev. 10: 6, 7)

(Ps) Let no priest come into contact with the dead or take part in the rites of mourning, even for a near kinsman, when on duty in the sanctuary.

To wash before entering upon their duties (Ex. 30: 17-21)

(Ps) Every priest must, under penalty of death if he is negligent, wash his hands and feet in the brazen laver near the altar each time when he enters the sanctuary or offers a sacrifice.

(5) *Authority over the Levites* (Num. 3 : 5, 6, 9; 18 : 1a, 2a; 4 : 27, 28)

Priestly Codes.

The Levites are given to the priests as servants and shall be subject to their command. Levites their servants (cf. above)

(6) *Duties* (Num. 18 : 1, 2b, 5, 7a; 4 : 5-16; Lev. 3; 17 : 6; 1; 2 : 1-9, 14-16; 10 : 10, 11; 13 and 14)

Priestly Codes.

The priests shall have charge of the sanctuary and the altar and all the sacred paraphernalia belonging to them. To minister in the sanctuary (Num. 18 : 1, 2b, 5, 7a; 4 : 5-16)

In the case of every sacrifice of peace-offering to Jehovah the priests shall take the blood of the animal, after it has been killed by the offerer, and shall sprinkle it upon the altar and burn there the altar-portions (including the fat, kidneys and caul). If the sacrifice is intended as a burnt-offering, the priests shall sprinkle the blood of the slain animal above the altar and then cut up the carcass, wash the legs and the inwards and then burn the whole as a gift to Jehovah. To present Jehovah's especial portions of each sacrifice (Lev. 3; 17 : 6; 1; 2 : 1-9, 14-16)

The priests shall instruct the common people regarding the distinctions between what is ceremonially clean and unclean and teach them, so that they may be able to conform to the detailed demands of the ritual. To instruct the people in the ritual (Lev. 10 : 10, 11)

To the priest shall also be brought every supposed case of leprosy. If on examination he finds that hair in the

To distinguish cases of leprosy (Lev. 13 : 1-8, 18-28)

affected part has turned white and the sore is deeper than the skin, having sunk into the flesh, he shall pronounce it real leprosy. If the spot be white but not deeper than the skin and the hair about has not lost its color, the priest shall keep the man in confinement, and, if at the end of fourteen days the disease has not spread and the spot is less inflamed, he shall decide that it was an ordinary wound or boil or burn and shall cause the man to wash his clothes and shall pronounce him ceremonially clean. If, however, on later examination he finds that the disease has spread, the priest shall declare it to be a case of leprosy.

Anæsthetic elephantiasis (Lev. 13 : 9-11)

If there is a white rising, covered with white hair with inflamed, raw flesh in the centre, the priest shall declare the man unclean, for it is a clear case of leprosy.

White leprosy (Lev. 13 : 12, 13)

If the leprous marks spread like white scales over all the body, the priest shall pronounce the man clean, for it is simply a case of white leprosy, which will in time peel off, leaving the skin sound and healthy.

Tubercular elephantiasis (Lev. 13 : 14-17)

If raw patches appear on the body of a victim, the priest shall at once recognize, unless they later turn white (in which case they are harmless), that it is a malignant case of leprosy.

Diseases akin to leprosy (Lev. 13 : 29-59; 14 : 33-48)

Similarly the priests shall carefully investigate all alleged cases of leprosy or scurvy on the head and beard or in a garment or house and render their decision, directing what shall be done.

The priests shall sacrifice the guilt-offerings, presented by those healed of their leprosy who seek thus to become ceremonially clean. They shall also officiate in cleansing a house of a pollution akin to leprosy.

To officiate in the cleansing ceremony (Lev. 14 : 1-32; 14 : 49-53)

(7) *Means of Support* (Num. 18 : 20; Lev. 7 : 11-14, 28-36; 10 : 14, 15; Ex. 29 : 27, 28; Num. 18 : 9, 10; Lev. 6 : 24-26; 7 : 1-7; 5 : 11-13; 7 : 8; 2 : 1-3; 6 : 14-18; 10 : 12; 7 : 7, 9, 10; Num. 6 : 19, 20; 18 : 26-32; 5 : 9, 10; 18: 8, 11, 14, 19; 15 : 20; Lev. 27 : 1-29; Num. 18 : 12, 13, 15-18; Lev. 23 : 15-20; 24 : 5-8; Num. 5 : 5-8; 31 : 25-29; 18 : 26-32)

Priestly Codes.

(P) The priests shall have no inheritance in Israel, but their income shall be derived from a variety of sources.

No heritage (Num. 18 : 20)

(P^t) All portions of the peace-offerings especially presented to Jehovah shall go to the priests. These include an unleavened cake mingled with oil, an unleavened wafer anointed with oil, and a cake of fine flour, mingled with oil, which shall be given in connection with each praise-offering to the sacrificing priest. If an animal be offered as a peace-offering, the breast and the right thigh shall be given to the priests.

Portions of the peace-offerings (Lev. 7 : 11-14, 28-36; 10 : 14, 15; Ex. 29 : 27, 28)

After the altar-portions of animals presented as sin- or guilt-offerings have been burnt on the altar, that which remains shall go to the priests. The same rule applies to the poor man's offering of flour.

Major portions of all sin and guilt-offerings (Num. 18 : 9, 10; Lev. 6 : 24-26; 7 : 1-7; 5 : 11-13)

The skin of burnt-offerings (Lev. 7:8)

(P[s]) In the case of the burnt-offering the priests shall have simply the skin of the animal sacrificed.

A portion and later all of the cereal-offerings (Lev. 2:1-3; 6:14-18; 10:12; 7:7, 9, 10)

(P[t]) The priests shall take a handful of flour with oil and the frankincense of every cereal-offering presented to Jehovah and shall burn it upon the altar. That which remains may be eaten by the priests. Every cereal-offering baked in the oven or baking-pan or cooked in the frying-pan shall go to the officiating priest. All cereal-offerings shall become the possession of the priests.

Portion of the Nazirite offering (Num. 6:19, 20)

Of the offerings which a Nazirite shall present in fulfilment of his vow the shoulder of the ram, one unleavened cake and one wafer, in addition to the usual breast and thigh, shall go to the priests.

Special gifts and legacies (Num. 5:9, 10; 18:8, 11, 14, 19; 15:20; Lev. 27:1-29)

All the special gifts, which the people present to Jehovah, and everything of their possessions, which they voluntarily declare to be set aside for him, shall belong to the priests.

First products (Num. 18:12, 13; 15:17)

The best portions of the olive-oil and of the wine, a cake made from the first of the dough of each baking, and the first-ripe fruits, which the people bring to Jehovah, shall go to the priests.

The first-born of man and beast (Num. 18:15-18; Lev. 27:26, 27; cf. Num. 3:46-51)

The money, paid according to the estimate of the priests for the redemption of the first-born sons of every family and for the firstlings of all unclean beasts, and the first-born of all clean animals, shall go to the priests, with the exception of the blood and fat of the clean animals, which shall be burnt on the altar.

(P[h]) The he-goat, sacrificed for a sin-offering, and the two lambs of the peace-offering, with the usual cereal-offering presented at the feast of weeks, shall fall to the priests. Offerings at feast of weeks (Lev. 23 : 15-20)

(P) The twelve loaves of showbread shall be eaten by the priests after they have been presented for a week before Jehovah. Loaves of the show-bread (Lev. 24 : 5-8)

(P[s]) When a man, who has wronged another, is not able to make reparation to the one injured or to his heirs, he shall pay an equivalent of the original amount, increased by one-fifth, to the priests as Jehovah's representatives. Sums paid in reparation for injuries (Num. 5 : 5-8)

The equivalent of one-one-thousandth of all the spoil captured by the Israelites in war shall be presented to the priests by the members of a victorious army. A portion of the spoils of war (Num. 31 : 25-29)

(P) A tithe of the tithe, which the Levites receive, shall be presented by them to Jehovah as their offering, and shall become the possession of the priests. Tithe of the tithe (Num. 18 : 26-32)

4. *The High Priest*

(1) *Consecration to his Office* (Lev. 6 : 20-22 ; 8 : 1-12, 30 ; 9 ; Ex. 29 : 1-7 ; 40 : 12, 13)

Priestly Codes.

The ceremony of initiating the high-priest into his office shall be similar to that observed in the case of an ordinary priest (cf. p. 288-9), except that he shall be publicly Initiation ceremony (cf. above)

clothed in the special insignia of his office, and his head shall be anointed with the sacred oil.

(2) *His Clothing* (Ex. 28 : 2-39 ; 39 : 1-31)

Priestly Codes.

The robe (Ex. 28 : 31-35, 39, 22-26)

(P) The high priest's official costume shall consist: (1) of a robe to be worn over the inner tunic. It shall be made of purple material, sleeveless and with an opening at the top so that it can be put on over the head. Around the bottom of its skirt shall be alternately colored pomegranates (symbols of fertility) and golden bells.[1]

Mantle (Ex. 28 : 6-12; 39: 2-7)

(2) The shoulder cape or mantle shall be woven of gold, blue, purple, scarlet, and linen threads and shall be provided with shoulder-pieces and a breast-piece of the same material. On each of the shoulder-pieces shall be fastened an onyx stone and on the two stones inscribed the names of the twelve tribes of Israel.

Breastplate (Ex. 28 : 13-30 ; 39 : 8-21)

(3) On the front of the mantle and fastened to the shoulder-pieces by chains of gold shall be placed a breastplate made of the same material as the mantle. Twelve precious stones, each inscribed with the name of one of the tribes of Israel, shall be set in its face. Inside the breastplate were placed the sacred Urim and Thummim wherewith the priests in earlier times ascertained the divine will.

[1] Probably intended originally as amulets to keep away evil spirits.

(4) For the head of the priest shall be provided a turban of fine linen. Fastened to its top with a purple cord shall be the diadem of pure gold inscribed with the title: HOLY TO JEHOVAH. Mitre (Ex. 28 : 31-39; 39 : 27-31)

(3) *Ceremonial Cleanliness* (Lev. 21 : 10-15; 10 : 8-10)

Priestly Codes.

(Ph) The high priest shall take as his wife no woman who has been married or is of immoral character, but a virgin of his own tribe.[1] Marriage (Lev. 21 : 13-15)

He shall not mourn for or come in contact with the dead, even if the deceased be his own father or mother, nor shall he leave the sanctuary or do anything to defile it. No contact with anything unclean (Lev. 21 : 10-12)

While performing the duties of his office, he shall never take any intoxicating drink. No intoxicants (Lev. 10 : 8-10)

(4) *Duties* (Ex. 28 : 29, 30; Lev. 16; Ex. 30 : 10)

Priestly Codes.

The high priest shall always, when he goes into the holy of holies, wear, inscribed upon his breastplate, the names of the children of Israel: and each year he shall officiate on the day of atonement, offering sin- and burnt-offerings for himself and for the nation. Offer sacrifices and enter the holy of holies once a year on behalf of the nation (cf. above)

[1] "Of his father's kin" is interpreted as above by the Septuagint and Philo, although the expression might include all members of the Israelitish race.

VI

REGULATIONS REGARDING CEREMONIAL CLEANLINESS

Underlying all the ceremonial laws of the Old Testament is the conception of Jehovah as a holy God. The refrain, "Be ye holy even as I am holy," is sounded repeatedly in each of the codes.[1] The original content of this term seems to have been that of separation from that which is earthly, unclean, or in any sense imperfect. In time holiness was regarded as a quality, and even is spoken of as capable of being communicated like ceremonial uncleanliness.[2] The term "holy" was also variously interpreted by Israel's different classes of teachers. The prophets seemed to have employed it in its generally accepted modern sense to designate moral attributes. Thus Isaiah in his famous vision cries out when confronted by the Holy One: "Woe is me! . . . because I am a man of unclean lips" (Isa. 6 : 5). The priests, however, defined it in the terms of the ritual, embodying in concrete ceremonial laws the idea of the separateness of Jehovah, and therefore of everything which came into intimate contact with him. Although with them holiness was never absolutely identified with ceremonial cleanliness, it was im-

[1] Cf. p. 246.

[2] Cf. W. R. Smith, *Religion of the Semites*, 2d ed., 450 ff.

possible without it. Hence they required that all offerings presented to the Holy One should be perfect in character, that the priests who ministered to him should be ceremonially clean, that his people should eat nothing which would defile, and that, if they came into contact with anything unclean, they should be cleansed before approaching him in worship. Thus by this effective symbolism they constantly emphasized and impressed upon the minds of the people the holy character of Jehovah and their obligations to him.

The general principle is obvious. The detailed reasons which led the Israelites to designate certain animals as clean and others as unclean for food, are not always clear. Blood was regarded as the life of an animal, for when that was poured forth all that remained was inanimate matter. Hence from earliest times blood was sacred to the deity and no Israelite was allowed to eat it. The presence of blood probably explains why the flesh of animals mangled by beasts of prey or of those dying a natural death was placed under the ban. The flesh of beasts and birds of prey was prohibited because they ate the blood of their victims. Scavengers of every kind were regarded as unclean for the same reason and because of their habits. The limiting of clean animals to the order of the ruminants at once excluded all belonging to the preceding classes, including swine. Thus the principle of not eating blood and of avoiding everything which seemed unclean

or which was revolting to the sense of decency, explains most of the distinctions between clean and unclean. The reasons underlying the prohibitions against the hare, the rock-badger, and the lapwing are not so clear. They may represent survivals of totemistic ideas, or possibly it was simply because their habits or flesh seemed repulsive to the Israelites. Innate aversion doubtless explains the strenuous prohibitions against all creeping things and all inhabitants of the water which, like the eel, were not provided with both scales and fins. Everything especially offensive or disgusting to the primitive æsthetic sense or suggestive of corruption were classified as unclean and therefore capable of imparting ceremonial impurity. Thus human uncleanness, leprosy and kindred loathsome diseases, leaven, and, possibly for the same reason, the bodies of the dead were in varying degrees regarded as sources of ceremonial contagion. The same motive which led Isaiah the prophet to cry out " I am a man of unclean lips," and which finds expression in the law that only animals without physical defects shall be presented to Jehovah, apparently shaped most of the enactments regarding ceremonial purity : a perfect God demands worshippers free from all taint of impurity or imperfection. Doubtless other ideas also exercised their influence. A leper may have been placed under the ban because he was regarded as smitten of God. The belief in the potency of a corpse to impart ceremonial uncleanness may also be an

inheritance from an age when evil spirits were supposed to haunt the bodies of the dead.

1. *Food*

(1) *Clean and Unclean Animals, Fish and Birds* (Dt. 14 : 3-20 ; Lev. 11 : 1-23, 26, 27, 29, 30, 41-47; 20 : 25, 26)

Deuteronomic and Priestly Codes.

Only the flesh of ruminating animals, such as the ox, the sheep, the goat, the hart, the gazelle and the roebuck, which also part the hoof, shall be proper food for the Israelites. The meat of ruminating animals, like the camel, the hare and the rock-badger, which do not part the hoof, or like the swine which part the hoof but do not chew the cud, is unclean and shall not be eaten or touched by the people of Jehovah.

Only ruminating animals which part the hoof fit for food (Dt. 14 : 3-8 ; Lev. 11 : 1-8, 26, 27)

The flesh of all fish, having both fins and scales, is proper for food. All other creatures inhabiting the water shall be regarded as unclean.

Only fish with both fins and scales (Dt. 14 : 9, 10; Lev. 11 : 9-12)

The flesh of all birds of prey, like the eagle, of birds like the raven, the vulture or the heron which feed on carrion or upon unclean fish or creeping things, or of night-birds, like the owl, or of bats, shall be regarded as unclean and therefore unfit for food.

No birds of prey or night-birds (Dt. 14 : 11-20 ; Lev. 11 : 13-19)

Insects, like the locusts which leap with their hind legs, are good for food ; otherwise all insects and animals which creep upon their feet are to be treated as unclean.

No creeping things (Dt. 14 : 19 ; Lev. 11 : 20-23, 29, 30, 41-45)

Israelites to abstain from unclean food (Lev. 20 : 25, 26; 11 : 46, 47)

Inasmuch as the Israelites are consecrated to Jehovah they shall carefully avoid ceremonial defilement through eating the flesh of any creature classified as unclean.

(2) *Injunctions against Eating Blood and Fat* (Dt. 12 : 16, 23-25 ; 15 : 23; Lev. 17 : 10-14; 19 : 26a ; Gen. 9 : 4; Lev. 3 : 17; 7 : 23b-25)

Deuteronomic Codes.

The sanctity of blood (Dt. 12 : 16, 23-25 ; 15 : 23)

The blood of an animal killed as a sacrifice or for food, shall never be eaten but always poured out upon the ground, for it is the vital element which gave life to the animal and is sacred to God, the source of all life.

Priestly Codes.

The law applies both to aliens and Israelites (Lev. 17 : 10-14; 19 : 26a ; Gen. 9 : 4)

Resident aliens and Israelites are alike prohibited from eating the blood of any creature under penalty of incurring Jehovah's judgment, for the blood represents the vital, sentient principle which distinguishes animate beings from inorganic matter and which in turn is accepted by God as an appropriate offering by those who seek to win his favor. Hence, whenever any beast or fowl is killed for food, its blood must be poured out on the ground and then covered with earth before the flesh is eaten.

Fat never to be eaten (Lev. 3 : 17 ; 7 : 23b-25)

Like the blood, the fat of animals shall never be eaten. The fat of animals dying a natural death or torn by beasts may be devoted to other purposes, but never eaten. The man who transgresses this law in the case of sacrificial animals shall be the object of divine judgment.

(3) *Flesh of Animals Torn or Dying a Natural Death* (Ex. 22 : 31 ; Dt. 14 : 21a ; Lev. 22 : 8, 9 ; 7 : 24 ; 17 : 15)

Primitive Codes.

(E) Meat mangled by wild beasts shall not be eaten by the Israelites, but given to the dogs. Meat torn by beasts (Ex. 22 : 31)

Deuteronomic Codes.

The flesh of an animal dying a natural death shall never be eaten by the Israelites, but may be sold to foreigners. Animals dying a natural death (Dt. 14 : 21a)

Priestly Codes.

The flesh of animals dying a natural death or mangled by wild beasts shall not be eaten either by Israelites or resident aliens. Whoever does so shall wash his clothes and remain ceremonially unclean until evening. Aliens and Israelites alike to abstain (Lev. 22 : 8, 9 : 7 : 24 ; 17 : 15)

(4) *Meat that has Touched anything Unclean* (Lev. 7 : 19a)

Priestly Codes.

(Pt) Meat polluted by contact with anything unclean shall not be eaten, but shall be consumed by fire. Polluted meat (Lev. 7 : 19a)

(5) *Leavened Bread* (Ex. 34 : 25a ; 23 : 18a ; 12 : 18-20)

Primitive Codes.

(JE) No leavened bread (which contains the element of corruption) shall be used in connection with animal sacrifices. No leaven with bloody sacrifices (Ex. 34 : 25a ; 23 : 18b)

Priestly Codes.

No leaven to be eaten during the passover (Ex. 12 : 18-20)

(Ps) No Israelite or resident alien shall eat during the passover week any food which contains leaven. Every house shall be carefully cleansed during that period from all traces of leaven. Whoever fails to observe this law shall be deprived of the religious privileges vouchsafed to the Jewish people.

(6) *Fruit of Young Trees* (Lev. 19 : 23-25)

Priestly Codes.

To abstain from eating fruit of young trees (Lev. 19: 23-25)

(Ph) Since the fruit which each tree bears on its fourth year is sacred to Jehovah, as the first worthy offering of the products of the tree, no man shall eat any of its fruit until it has reached its fifth year.

(7) *Rules Regarding the Eating of Meat* (Dt. 12 : 15, 20-27; Lev. 17 : 3-9; 19 : 5-8; 7 : 15-18; 22 : 10-16)

Deuteronomic Codes.

Animals slaughtered simply for food (Dt. 12: 15, 20-27)

If it is inconvenient to take the animals, which the Israelites desire to slay for food, to the central sanctuary, there to eat them, sharing the appointed portions with Jehovah, they may kill and eat them at home, provided of course that the beast belongs to the class of clean animals and that the blood be poured out upon the ground. All sacrificial animals, however, and those given in payment of a vow shall be slain only at the central sanctuary.

Priestly Codes.

(P^h) Every animal to be slaughtered for food shall be brought and killed in the court of the sanctuary that the sacrificial portions may be duly presented by the priest to Jehovah. The one who slays and eats without observing this law commits a mortal offence and shall be deprived of religious privileges.[1]

Animals to be slaughtered within the courts of the sanctuary (Lev. 17: 3-9)

The meat of any animal sacrificed as a thanksgiving-offering must be eaten on the day of its presentation. That which is presented as a votive or voluntary offering must be eaten before the third day or else burnt. Failure to observe these regulations is a grievous crime in the eyes of Jehovah and will bring divine judgment upon the offender.

Eating sacrificial offerings (Lev. 19: 5-8; 7: 15-18)

No one, not an actual member of a priestly family, shall eat of the objects sacrificed to Jehovah, which therefore belong to the priests as his representatives. Slaves of a priest are counted as a part of his household, as also a widowed or divorced daughter who returns childless to her father's home. A daughter, however, married outside the priestly caste shall be excluded from partaking. Any layman, who without knowing it eats holy sacrificial food, shall return a full equivalent, increased by the addition of one-

The holy sacrificial food (Lev. 22: 10-16)

[1] The basis of this law may have been the usage before the centralization of all the ceremonial religious life in Jerusalem. As it now stands in the Priestly code it abrogates the earlier provision of Deuteronomy and makes the slaughtering of an animal in every case a religious act.

fifth more, to the priest. Whoever deliberately disregards these laws shall be guilty in the eyes of Jehovah, who alone can forgive sins and make men holy.

2. *Causes and Purification of Ceremonial Uncleanness*

(1) *Loathsome Diseases* (Dt. 24 : 8; Lev. 13 : 45, 46; Num. 5 : 1-4; Lev. 22 : 4[a]; 14; 15)

Deuteronomic Codes.

Priests to direct lepers what to do (Dt. 24 : 8)

Israelites afflicted with leprosy must follow explicitly the direction of the priests, recalling the traditional example of Miriam who was excluded from the camp for seven days.[1]

Priestly Codes.

Lepers to proclaim their uncleanness (Lev. 13 : 45, 46; Num. 5 : 1-4; Lev. 22 : 4[b])

(Ps) Every person afflicted with leprosy, the loathsome evidence of divine judgment, shall go about with clothes torn and hair dishevelled. Whenever he shall meet anyone, he must put his hand over his mouth and cry, "Unclean, unclean," that no one may approach him unawares and be ceremonially polluted. While the evidence of the foul disease is upon him he shall be unclean and shall never be permitted to enter a town or walled city. No priest, while afflicted with leprosy, shall be permitted to eat of the sacred food presented to Jehovah in sacrifice.

When a man is declared by the priest to have recovered

[1] Cf. Num. 12 : 14, 15 (E[a]).

completely from what appeared to have been leprosy, he shall take under the priest's directions two clean birds. One shall be killed over an earthen vessel filled with fresh water; the living bird shall be dipped, together with sweet-smelling cedar wood, brilliant scarlet, and hyssop—the symbol of cleansing[1]—in the blood of the other bird. Then the man to be cleansed shall be sprinkled seven times with the mingled blood and water, as a symbol of the re-establishment of his communion with God and his fellow-men. After that he shall be pronounced clean by the priest. The living bird shall be set free to bear away his uncleanness. After he has washed his clothes, shaved off all his hair and bathed in water, he shall again be ceremonially clean.[2]

Ceremonial cleansing of a leper (Lev. 14: 1-8, 33-53)

[According to another and later law], he must on the seventh day shave off all his hair, not excepting his beard and eye-brows, wash his clothes and bathe in water. Then on the eighth day he must appear with two he-lambs and a ewe-lamb, one year old, and the ordinary cereal-offering, consisting of meal mingled with oil, before the priest, who shall set the man to be cleansed before Jehovah, while he sacrifices one of the he-lambs, smearing with its blood the tip of the right ear, the thumb of the right hand, and the great toe of the right foot of the man who is to be cleansed. Then the priest shall pour

Additional cleansing sacrifices (Lev. 14: 9-20)

[1] Cf. Ps. 51: 7; 1 K. 4: 33.

[2] Verse 8b is evidently an editorial addition, intended to connect the two parallel laws.

part of the oil upon the man's left hand, and, taking from this a portion with his right finger, shall sprinkle it seven times before Jehovah. With the oil remaining in the man's hand he shall smear the right ear, thumb, and great toe as with the blood. The rest of the oil he shall pour upon the man's head. After this the priest shall present the two remaining animals as sin- and burnt-offerings, together with the cereal-offering, upon the altar to complete the man's ceremonial purification.

Requirements from a poor man (Lev. 14 : 21-32)

If the man is too poor to provide expensive offerings, he may present one he-lamb as the guilt-offering and two turtledoves or young pigeons for the sin- and burnt-offerings.

Personal uncleanness (Lev. 15)

(P^t) Persons of either sex, afflicted with chronic discharges, shall, like the lepers, be regarded as unclean and capable of imparting ceremonial pollution to everything with which they come into contact. If they recover, they shall present two turtledoves or two young pigeons for their ceremonial purification. If the discharges be normal, the pollution may be washed away, in which case the period of ceremonial uncleanness continues only until sunset.

(2) *Childbirth* (Lev. 12 : 1-8)

Priestly Codes.

Purification after childbirth (Lev. 12 : 1-8)

(P^t) A woman after bearing a male child shall be ceremonially unclean for forty days, or in the case of a female child eighty days, at the expiration of which time she shall bring to the temple a lamb of the first year, as a burnt-offering, and a young pigeon or turtledove, as a sin-offer-

ing for her purification, that she may again become ceremonially clean. If she is too poor to bring a lamb, she may substitute a young pigeon or turtledove.

(3) *Contact with the Dead* (Dt. 21 : 22, 23; Num. 19 : 11-21; 31 : 19)

Deuteronomic Codes.

The body of a criminal exposed,[1] after execution, on a tree shall not be allowed to remain over night, but must be buried before evening; for a criminal thus punished has polluted the people among whom he lived. Therefore his corpse, accursed in the eyes of God, if allowed to remain, will impart its pollution to the land.

Pollution of the land by the body of a criminal (Dt. 21 : 22, 23)

Priestly Codes.

(P[t]) Every one who touches a corpse or human bones or a grave or enters a room where there is a dead body shall be rendered thereby ceremonially unclean. Open vessels in the same room with a dead body shall also be considered ceremonially unclean. To purify these and all persons polluted by contact with the dead, certain of the ashes of the red heifer, specially sacrificed as a sin-offering,[2] shall be mixed with fresh water and sprinkled upon them by some one ceremonially clean. Hyssop shall be

Result of contact with a corpse and the process of purification (Num. 19 : 11-21; 31 : 19)

[1] The body was thus exposed as a public object-lesson. There is no evidence or probability that hanging was ever employed by the Hebrews for public execution.

[2] Cf. IX. Sacrificial offerings, 3, (5) The Red Heifer.

employed for the sprinkling, which shall be done on the third and seventh days after exposure. On the last day the unclean persons shall wash their clothes and bathe in water and at sunset shall be ceremonially clean. The one who neglects to observe this law shall be deprived of religious privileges, for he has defiled the temple of Jehovah.

(4) *Contact with the Carcasses of Unclean Animals* (Lev. 5 : 2; 11 : 8, 24-27, 31-40)

Priestly Codes.

Pollution to cease after washing at sunset (Lev. 5 : 2; 11 : 8, 24-27, 39, 40)

(P[t]) Every person or object coming in any way into contact with the carcass of an unclean animal or creeping thing shall be polluted thereby. They shall first be thoroughly washed and then shall be unclean until sunset. Earthen vessels, however, and all cooking utensils polluted by the carcasses of creeping things shall be destroyed, for any food or drink taken from them will pollute the one partaking. Fountains and wells are not polluted by the presence of the bodies of creeping things, for they contain fresh water. The same is true of dry grain to be used as seed, but not of grain moistened with water.

Specific exceptions (Lev. 11 : 31-38)

(5) *Contact with Persons Ceremonially Unclean* (Num. 19 : 22; Lev. 5 : 3; 15 : 5-12, 19-27)

Priestly Codes.

Any one coming into contact with a person for any reason ceremonially unclean is polluted and must thor-

oughly wash himself. He remains unclean until sunset. Earthen vessels touched by one who has an issue must be broken, and wooden vessels shall be clean only after they have been thoroughly washed.

Temporary contamination of persons and objects (cf. above)

(6) *With Spoils Taken from the Heathen* (Num. 31 : 20-24)

Priestly Codes.

(Ps) All, who first touch spoils captured in war, shall be rendered thereby ceremonially unclean. Metal objects shall be purified by being subjected to fire; others by being thoroughly washed. The men who perform this service shall then wash their own clothes and remain ceremonially unclean for the usual period of seven days, at the end of which time they may again participate in religious rites.

Purification of the spoils and of those first touching them (Num. 31 : 20-24)

3. *Special Laws of Purity Governing the Nazirites and Priests* (Num. 6 : 2b-12; Lev. 21 : 1-15; 22 : 2-9)

Priestly Codes.

(Pt) If a man or woman consecrates himself or herself to Jehovah by making the Nazirite vow, he must abstain during the stipulated period from all products of the vine, including wine, vinegar, intoxicating drinks, and fresh and dried grapes. In the second place no razor shall touch his head, but his hair as a part of his person which is wholly consecrated to Jehovah shall be allowed to grow long. In the third place he must avoid all contact with a dead

Ceremonial restrictions imposed upon a Nazirite (Num. 6 : 2b-8)

body, even if it be that of his nearest kinsman, for, like the high priest, he is set aside wholly to the service of Jehovah.

Purification and reconsecration, if accidentally rendered unclean (6 : 9-12)

If he is accidentally polluted by contact with a corpse, he must offer the usual purification offerings.[1] He must also on the seventh day, shave off his hair, lest any defilement cling to it. After he has presented through the priest a sin-offering and a burnt-offering to insure divine forgiveness for his accidental breaking of his vow and has offered a he-lamb as a guilt-offering, he must again consecrate himself to Jehovah for the period originally specified in his vow.

Priests to guard against all pollution (Lev. 21 : 1-15 ; 22 : 2-9)

(P^{h}) The priests, being consecrated to Jehovah's service, shall never allow themselves to approach a dead body except in the case of the death of a near kinsman. A high priest shall do so under no circumstances, nor shall he even mourn the death of his parents. A virgin of his own people shall he marry. The ordinary priests shall take to wife no one of impure character. Only the priests, who are free from all blemishes and physical deformity, shall be eligible for the service of the sanctuary. Contact with any person or thing unclean shall render them ceremonially unclean until sunset. Jehovah's judgment will be upon the one who performs the sacred duties or eats of the sacrificial food while still unclean.

[1] Cf. p. 309.

VII

THE LAW OF CIRCUMCISION

(Gen. 17 : 2-14; 21 : 4; Lev. 12 : 3; Ex. 12 : 48)

The origin of the rite of circumcision was evidently a subject of doubt as well as of interest to the minds of the Israelites. One tradition (J) represents Jehovah as commanding Joshua to circumcise the Israelites at Gilgal after crossing the Jordan. Thereby he "rolled away the reproach of Egypt." The original narrative (Josh. 5 : 2, 3, 8, 9) has clearly been revised by a later hand to bring it into accord with the priestly conception of the origin of the rite. The tradition was probably suggested by the two names, "Hill of Foreskins" and Gilgal, "Rolling," but in its original form it was apparently one of the most popular traditions regarding the institution of the custom. Exodus 4 : 24-26 associates it with the names of Moses and implies that his Kenite wife took the initiative in circumcising her son in order to deliver her husband from the wrath of Jehovah, aroused by the failure of Moses to subject himself to the rite before entering into the marriage relation. Thus this tradition points to a non- or pre-Hebrew origin. The later priestly writers represent it as having been imposed upon Abraham and his descendants by God, as a symbol of the covenant between them and their God (Gen. 17 : 2-14; 21 : 4). In this way they

project it back to the very beginning of their history as a race. Side by side with the emphasis laid upon it as a distinctive mark of the Israelites, is the clear recognition by the biblical writers that it was shared in common with their neighbors. The familiar designation, "uncircumcised" Philistines clearly indicates that these comparatively late invaders of Palestine were regarded as the marked exception to the rule. As is well known, it was a widespread custom in antiquity. The fact that it was practised only by the western Semites gives some support for the assertion of Herodotus that they adopted it from the Egyptians (II. 36, 204).

While the Israelites regarded it as a tribal or racial mark, they also attributed to it a religious significance. The priestly writer declares that Jehovah will himself punish with death the neglect of it (Gen. 17: 14). In the older tradition of Exodus 4 : 24, he is represented as seeking to slay Moses for the same crime. Especially in tropical countries sanitary reasons recommend the custom, but there is little doubt that the biblical writers are correct in implying that from the first it had a religious meaning. The customs of Semitic peoples at the more primitive stages of development suggest that it was originally instituted only when the individual attained to full manhood. This is in fact implied in the two oldest prophetic traditions (cf., *e.g.*, the expression "bridegroom of blood"). The desire from the earliest period to put

the child under the protection of the God also explains the later usage.[1] Originally, therefore, it seems to have symbolized admission with full marital, tribal and religious rights. As such it was also a tribal mark. Only later did the prophets, like Jeremiah (4 : 4; 9 : 25), and the priests (Lev. 26 : 41) interpret it as a symbol of purification.

Priestly Codes.

(P[t]) Every male Israelitish child shall be circumcised at the age of eight days. Age (Lev. 12 : 3)

(P) Any resident alien desiring to observe the feast of the passover must first submit, together with all the male members of his household, to the rite of circumcision. Then he may enjoy all the religious privileges of a native-born Israelite. Resident aliens (Ex. 12 : 48)

VIII

SACRED DUES

From the time of the establishment of the Hebrew monarchy the conception of Jehovah as the divine King exerted a powerful influence on the thought of the race. For example, the temple was arranged like a palace with

[1] Cf. W. R. Smith, *Rel. Semites*, 2d ed., p. 328; compare also the varying usage in connection with the rite of baptism.

an inner chamber, where Jehovah was conceived of as dwelling, and an outer and larger audience room, with a porch and court in front, whither the people brought their tribute and gifts and where they communicated with him. In Isaiah's initial vision (Isa. 6), he is ushered into the presence of the divine King and receives commands directly from his lips. It was most natural that to their divine, even as to their human ruler, the people should feel that regular tribute was due. It was the best evidence of loyalty and regarded as the surest method of retaining the royal favor. The regular gifts, which the Israelites brought to Jehovah, were precisely similar in variety and kind to those which they brought to the kings of the Davidic house before the destruction of the monarchy, except that the best and only the best were due the divine King. The bitter attack of the author of the Book of Malachi upon his contemporaries for failing to observe this rule (1 : 6-14) vividly illustrates the principle. The first-born of herd and flock and the first-fruits were universally regarded as the best, even as the first-born son enjoyed especial rights. It was appropriate that the first product of the generative organs, while in their full vigor, should be given to the Creator of all life. Throughout all Israelitish history certain regular sacred dues were demanded by the law. After the overthrow of the kingship, when all the interest of the nation was centred in the worship of Jehovah, it was natural that there should be

an increase in the amount of the tribute paid him. Then his priestly representatives, who were the recipients of his dues from the people, performed the functions of the former kings as well as those peculiar to their office. If the people faithfully paid all the sacred dues demanded by the later codes, it must have exhausted their resources; but Orientals are accustomed to turning over to their rulers most of their income. Above all, contrary to ordinary experience in the East, it brought its recompense. Peace of mind and the sense of duty done are certainly among the most valued possessions of mankind. The psalms, extolling the law, and the readiness of Jewish martyrs to die, if necessary, for it, are conclusive proofs that in the centuries immediately following the institution of the Priestly codes, they found peace and joy under its exacting rule.

1. *First-born Sons* (Ex. 34 : 19[a], 20[c]; 22 : 29[b]; 13 : 11, 12[c], 13[c]-16; 13 : 2; Num. 3 : 11-13, 44-51; 8 : 16-18)

Primitive Codes.

(J) The first-born son of every woman belongs to Jehovah, and if not consecrated wholly to his service, the parents of the child must present to the Lord an equivalent for their offspring. Jehovah's title to the first-born rests upon the fact that he compelled Pharaoh to let the Israelites depart from bondage by slaying all the first-born of the Egyptians. The institution, therefore, is a memorial of their deliverance from Egypt.

An equivalent to be paid to Jehovah for every first-born (Ex. 34 : 19[a], 20[c]; 22 : 29[b], 13 : 11, 12[c], 13[c]-16)

Priestly Codes.

Levite originally substituted for first-born (Ex. 13 : 2; Num. 3 : 11-13, 44-51; 8 : 16-18)

Originally the Levites were a substitute for the first-born of the Israelites who belonged to Jehovah by virtue of the great deliverance which he accomplished for his people in Egypt. For each first-born, for whom such a substitution was not made, a poll tax of five shekels was to be paid.

2. *First-born of Flock and Herd* (Ex. 34 : 19b, 20a,b; 13 : 11-13; 22 : 30; Dt. 14 : 23-27; 15 : 19-22; Num. 18 : 15-18; Lev. 27 : 26, 27)

Primitive Codes.

Time and manner of presentation to Jehovah (Ex. 34 : 19b, 20a,b; 13 : 11-13; 22 : 30)

(J) The first-born male of all domestic animals shall belong to Jehovah. Calves and lambs shall be allowed to remain seven days with their mothers and on the eighth day they shall be presented to Jehovah. For the young of asses—since they are not suitable for sacrifice—a lamb or kid may be substituted. Whoever does not present a substitute must break the neck of the animal, which belongs not to him but to Jehovah.

Deuteronomic Codes.

Animals without blemish to be eaten at temple (Dt. 14 : 23-27; 15 : 19-22)

The first-born of the herd and flock, after having been properly sacrificed at the central sanctuary, shall be eaten by those presenting them to Jehovah, and shared with the dependent members of the community and especially with the Levites. Animals, however, having any blemish,

shall not be offered to Jehovah, but shall be eaten by the family at home and shall be subject to no ceremonial limitations. If the distance be too great to bring conveniently the first-born of the herd and flock to Jerusalem, they may be sold and the money equivalent expended on sacrificial food, when the offerers arrive at the temple. With this they shall celebrate the feast in connection with which they present their first-born and other gifts.

Priestly Codes.

(P) The first-born of all clean animals shall become the possession of the priests after the sacrificial offerings have been presented by them to Jehovah. Five shekels, or the equivalent of value fixed by the priests, with an addition of one-fifth, shall be paid for every first-born of unclean animals. If the owner of the mother of the first-born refuses to accept the estimate of the priests, or refuses to pay the ransom, the animal shall be sold at the price thus fixed.

First-born or the equivalent to go to priests (Num. 18 : 15-18 ; Lev. 27 : 26, 27)

3. *First-fruits* (Ex. 34 : 26a ; 23 : 19a ; Dt. 26 : 1-11 ; 18 : 4 ; Lev. 19 : 24 ; 23 : 10, 11 ; Num. 15 : 18-21 ; Lev. 2 : 14-16)

Primitive Codes.

(J) The first-fruits of the soil shall be brought by the people to the sanctuary of Jehovah.

Presentation (Ex. 34 : 26a ; 23 : 19a)

Deuteronomic Codes.

First-fruits, presented to Jehovah, to be eaten by the offerer (Dt. 26 : 1-11)

Each year every Israelite shall put the first-fruits of his ground in a basket and bring them to the sanctuary. After the priest has placed them before the altar, the offerer shall recount how Jehovah has cared for and led his race, delivering it from the bondage of Egypt and giving it the fertile land of Canaan. Having thus expressed his appreciation of Jehovah's care, he and his family shall joyfully eat the first-fruits, sharing them with the Levites and resident aliens.

Also first fleece (18 : 4)

In addition to the first-fruits of the grain, wine and oil, every Israelite shall bring to Jehovah the first fleece of the sheepshearing.

Priestly Codes.

Fruit of trees (Lev. 19 : 24)

(Ph) All the fruit which a tree bears on its fourth year shall be presented to Jehovah.

First sheaf (Lev. 23 : 10, 11)

At harvest time a sheaf of the first-fruits shall be waved by the priest before Jehovah.

First products of threshing-floor and mill (Num. 15 : 18-21)

(Pt) The first of the grain of the threshing-floor and a cake made of the first coarse flour ground in the mill shall also be presented to Jehovah.

Detail regarding manner of presentation (Lev. 2 : 14-16)

(Ps) In presenting a cereal-offering of the first-fruits, early heads of wheat roasted in the fire and ground to a coarse meal shall be employed. Oil shall be poured on it as in the ordinary cereal-offering. A portion of it shall be burnt by the priest, together with frankincense, as a memorial to Jehovah.

4. *Tithes* (Dt. 14 : 22-29; 26 : 12-15; Lev. 27 : 30-33; Num. 18 : 26-32)

Deuteronomic Codes.

The Israelites shall bring a tithe of all of the products of their fields and vineyards to Jehovah at the sanctuary two out of every three years and there eat it, sharing it with the dependent in the community; but the tithe of the third year shall be stored up in the different towns for the use of the Levites and the needy. Disposal of the tithes (Dt. 14 : 22-29)

Each Israelite after setting aside the triennial tithe shall solemnly swear before Jehovah that he has withheld nothing of that which was due. A safeguard of the law (26 : 12-15)

Priestly Codes.

(Ps) A tenth not only of the products of the land and trees but also of the herd and flock shall be given to Jehovah. Every tenth animal, as it passes under the rod, shall be set aside for Jehovah. Any man attempting to substitute an inferior for a good animal shall forfeit both to Jehovah, together with the right of redeeming them. Otherwise, if a man desires to purchase back any part of the tithe which he owes, he shall pay its value and one-fifth in addition. To apply to herd and flock as well as products of soil (Lev. 27 : 30-33)

The Levites, whose income is the tithes of the people, shall likewise turn over as their offering the choicest tenth of the same to the priests. Tithes of the Levites (Num. 18 : 26-32)

5. *Poll-Tax* (Ex. 30 : 12-16)

Priestly Codes.

To be paid by every adult male (Ex. 30 : 12-16)

(Ps) Every male Israelite twenty or more years old shall pay, whether he be rich or poor, an annual poll-tax of half a temple shekel.[1] The income from this source shall be devoted to the support of the service of the sanctuary.

6. *Voluntary Offerings* (Ex. 34 : 20c; 22 : 29a; Dt. 16 : 10-17; 12 : 5-8; Lev. 22 : 18, 19)

Primitive Codes.

To give freely to Jehovah (Ex. 34 : 20c; 22 : 29a)

(J) Of the abundance of their fruits and of the products of the vine shall the Israelites give to Jehovah. When they go to worship him at the sanctuaries they shall never fail to bring some offering.

Deuteronomic Codes.

Offerings at the annual festivals (Dt. 16 : 10-17; 12 : 5-8)

At the three great annual feasts every male Israelite shall bring to Jehovah at the central sanctuary voluntary offerings in proportion as he has been prospered and is able. These shall be eaten by the offerers and their households.

Priestly Codes.

Animals suitable (Lev. 22 : 18, 19)

(Ph) Only male animals without physical defects shall be presented to Jehovah as voluntary burnt-offerings.

[1] About 35 cents.

7. *Things Vowed or Devoted to Jehovah* (Dt. 23 : 21-23, 18; 12 : 10-12, 26; Num. 6 : 2-21; 30 : 1-16; Lev. 27 : 1-29)

Deuteronomic Codes.

Regulations regarding ordinary vows (Dt. 23 : 21-23, 18; 12 : 10-12, 26)

No one is obliged to make a vow; but, when he has, he must not be remiss in performing it, for negligence in so doing is a sin against Jehovah and will incur the divine displeasure. Money gained by immoral practices shall not be given in payment of a vow, for all social immorality is under his severe condemnation. Everything presented to the Lord in the discharge of an ordinary vow shall be brought to the central sanctuary and there eaten by the offerer, his household, and the needy members of the community.

Priestly Codes.

Significance and obligations of the Nazirite vow (Num. 6 : 2-21)

(P[t]) When men or women take the Nazirite vow, they consecrate themselves to Jehovah for the time specified. As an evidence of this consecration they must, while subject to the vow, touch no products of the vine, they must not allow any of their hair to be cut, for all their person is consecrated to Jehovah, and they must not under any conditions allow their ceremonial sanctity to be impaired by contact with a corpse, the symbol of corruption. When the period, specified in their vow, has passed and they have discharged its obligations, they must bring to Jehovah a he-lamb of the first year without blemish, as a burnt-

offering, a ewe-lamb, as a sin-offering, a ram, as a peace-offering, and a basket containing unleavened bread, cakes of fine flour mingled with oil and wafers anointed with oil, together with the usual cereal- and drink-offerings. After the priest has presented these to Jehovah, the Nazirite shall shave off his hair and put it on the fire under the peace-offerings. The shoulder of the ram, one of the unleavened cakes and one wafer shall be placed in the hands of the Nazirite by the priest and then shall be set aside for the latter, together with the usual priestly portion. After the conclusion of these rites, the Nazirite is absolved from his vow and may drink wine as before.

Rules regarding vows made by women (Num. 30: 1-16)

(Ps) Every man must perform all the obligations assumed in his vow, but a vow made by an unmarried daughter may be annulled by her father, or, if made by a wife, her husband may render it null and void and she shall be completely absolved from her obligation. If, however, the father or husband enter no protest when they first hear of the vow, it shall be confirmed and they cannot later disannul it. A vow made by a widow or divorced woman cannot be disallowed, for there is no one with superior authority to interfere.

Tariff according to which things vowed to Jehovah may be redeemed (Lev. 27: 1-29)

In redeeming persons or things vowed to Jehovah the following money equivalents may be offered: for a man in his prime (between the years of twenty and sixty) thirty dollars[1]

[1] This computation is on the basis of the Syrian standard adopted by Simon the Maccabee, according to which the shekel weighed 220 grains and was worth therefore about sixty cents.

shall be paid, for a woman eighteen dollars, and for a male child between the years of five and twenty twelve dollars, for a female child half as much, and for a male baby under five years of age three dollars, and for a female one dollar and eighty cents. If the age be over sixty years the equivalent for a male shall be nine and for a female six dollars. If a person be incapacitated or for any reason not equal to the ordinary individual in the class to which he belongs, the valuation shall be fixed by the priest in accordance with the ability of the individual in question. All animals, suitable for sacrifice, shall be presented to Jehovah as vowed. The priests shall fix the value of unclean beasts and houses dedicated to Jehovah. They may be bought back by the owner at the price thus established, increased by one-fifth.

The value of a field shall be determined on the basis of the amount of seed required to sow it. Thirty dollars shall be paid for every portion of land to sow which a homer of barley would be required.[1] If a field is dedicated to Jehovah after the year of jubilee, its value shall be estimated proportionately to the time still remaining until the next year of jubilee. If the one who dedicated it desires to redeem it, he can do so by paying the price and a fifth in addition. If he has previously sold it to another man, it shall not be given to Jehovah's representative the priest until the next jubilee, when it reverts to the man thus dedicating it. If a man dedicates a piece of

[1] The valuation seems very low, but it will be recalled that, according to 2 S. 24 : 24, David paid but fifty shekels for Araunah's threshing floor, and Jeremiah seventeen for Hananeel's field (Jer. 32 : 9).

land, purchased by him but subject to the rights of the original owner on the year of jubilee, he shall pay to Jehovah the equivalent for his temporary possession of the land in accordance with the valuation of the priest. First-born animals cannot be given in payment of a vow, for they already belong to Jehovah.

Things devoted not to be redeemed (Lev. 27 : 28, 29)

Things dedicated to Jehovah under extraordinarily stringent conditions shall not be sold or bought back again by the one thus presenting them. A man, who, because of some heinous crime, comes under the ban of Jehovah's disfavor, shall not be allowed to escape by the payment of a ransom, but must die for his misdemeanor.

8. *Spoils of War* (Num. 31 : 25-54)

Priestly Codes.

One five-hundredth to be given to the priests (Num. 31 : 25-54)

(Ps) According to the traditional precedent, associated with the name of Moses, one one-thousandth of all the spoils of war were to be given to priests and the same amount to the Levites as a special gift to Jehovah.

IX

SACRIFICIAL OFFERINGS

Sacrifice is an institution common to all ancient Semitic religions. It was the most natural way of expressing gratitude and of winning the favor or averting the displeasure of the god. Especially was this true in antiquity,

when the deity was conceived of purely after the analogies of a human being. Also, in the East, almost anything can be secured by the judicious use of a gift. One of the earliest Hebrew laws commanded that none should appear before Jehovah empty-handed (Ex. 23 : 15). It was also in harmony with the thought of primitive man that, in proportion as offerings were prized by those who presented them, they were believed to be appreciated by the god. Therefore since life was man's most valued possession, human sacrifice appears from earliest times to have been regarded as the most efficacious type of offering. This hideous method of winning the pleasure of the gods was resorted to by most primitive peoples on occasions of supreme distress and need. The story of Abraham's willingness to sacrifice his son Isaac, Jephthah's vow, Saul's determination to offer even his son Jonathan, are familiar illustrations drawn from Hebrew history. In the days of Ahaz and Manasseh under the dominance of foreign influences the practice was temporarily restored in Judah. The fact that the Hebrew prophets denounced this immemorial and deeply intrenched custom is but one of the many evidences of their divine inspiration. For practical and ethical reasons the lives of beasts and birds were early regarded as offerings almost equally acceptable to the gods. In Micah 6 : 6, 7 the popular, and what seems to be the more primitive theory of sacrifice finds clear expression. Oppressed by calamity, the people are repre-

sented as inquiring whether or not they can win the divine favor by burnt-offerings or thousands of rams or ten thousand rivers of oil or by the sacrifice of their first-born children. It is the magnitude of the gift or its cost to the offerer which is expected to avert Jehovah's displeasure. It is significant that offerings of oil, the life of animals, and the life of a cherished son are placed in the same category. It is also to be noted that Leviticus 5 : 7-13 provides that a poor man, unable to bring a lamb or birds as a sin-offering, is allowed simply to present three quarts of finely ground meal. Possibly this is a later digression due to the influence of the prophetic teaching which simply emphasized the degree of self-sacrifice involved. Primitive Semitic thought, as well as the late Jewish ritual, gave the precedence to sacrifices which involved the shedding of blood, as the most effective means of averting the displeasure and of winning the favor of the deity, when a crime had been committed. Thus the Israelites, to avert a famine, which was regarded as a sign of Jehovah's displeasure because of Saul's treachery towards the Gibeonites, allowed seven of his sons to be "hung up before Jehovah" (2 S. 21 : 1-9). With the exception noted above, the life-blood of some creature was always poured out for a sin-offering. "Without the shedding of blood there can be no remission of sins" (Heb. 9 : 22) voices what seems to have been a very ancient belief.

Closely akin to this primitive idea was the conception

that life-blood was effective in averting malign influences. The earliest tradition (Ex. 12) of the ancient institution of the passover represents the blood of the lamb, sprinkled on the door-posts, as that which delivered the households of the Israelites from the divine judgment which fell upon the first-born of the Egyptians. Even so in Ezekiel's code the blood of the sin-offering was to be sprinkled upon the door-posts of the temple and of the gate of the inner court, precisely as in Syria to-day the same rite is observed when a house is completed or newly occupied,[1] in order to insure good fortune and to preserve its inhabitants from death. The principle, "a life for a life," like "an eye for an eye," finds its roots in the remotest heathen past. The teachings of the prophets were not sufficient to dislodge it from the mind of the Israelites and it still finds diverse expression in the popular thought of the modern inhabitants of Palestine.

How far the sacrificial blood was originally regarded as the symbol of a covenant between the deity and the sacrificers cannot be absolutely determined. This interpretation is scarcely germane to the thought of primitive man. The covenant, sealed by blood, was, however, a prominent institution among the ancient Semites inhabiting Arabia, even as it is to-day. It establishes a relation between tribes or individuals than which there is none closer. Hebrew history furnishes several clear examples in which

[1] Cf. Curtiss, *Primitive Semitic Religion To-day*, 224 ff.

animal sacrifice was employed to seal a covenant between Jehovah and his people (Gen. 15 : 9, 10; Jer. 34 : 18, 19). The familiar symbolism of blood must constantly have suggested itself to the Israelites. Jesus' familiar words in regard to the blood of the new covenant indicate that this interpretation of sacrifice was uppermost in his mind. Since food, next to life, was the most desired and highly enjoyed possession of primitive man, it appears to have been one of the earliest and always continued to be the most common material offered to the gods. Gifts of flax and wool (Hos. 2 : 7; Dt. 18 : 4) were also presented by the Israelites to Jehovah, but apparently as tribute, not as sacrifice. The old prophetic narrative of Genesis 8 : 20, 21 states that after he emerged from the ark, "Noah builded an altar unto Jehovah, and took of every clean beast and of every clean bird, and offered burnt-offerings on the altar. And Jehovah smelled the sweet savor and Jehovah said in his heart, I will not again curse the ground any more for man's sake." This is the biblical version of the still older and more anthropomorphic Babylonian account of the deluge, according to which :

> The gods inhaled the odor,
> The gods inhaled the sweet odor,
> The gods gathered like flies around the sacrifice.

These and kindred passages suggest that the primitive reason for burning the whole or parts of the sacrifice was

that the god might be enabled to share directly in the food presented to him in this less material form. The same motive possibly explains the ancient and strict command always to pour out upon the ground or sprinkle upon the altar the blood of all animals slain ; since this part, the symbol of life, was sacred and most acceptable to Jehovah. The late Jewish story of Bel and the Dragon apparently contains a reminiscence of the age when people still thought that the gods themselves ate the food presented to them. Sometimes animals or fish, as the sacred representatives of the deities, were believed to consume the sacrifices. Long after the Hebrews rejected the crude conceptions of Jehovah which promoted the custom, they continued to prepare the food presented to him precisely as they did their own meals. Thus, for example, tradition says that " Gideon went in, and made ready a kid and unleavened cakes of an ephah of meal ; the flesh he put in a basket, and he put the broth in a pot, and brought it out unto him (the angel of Jehovah) under the oak, and presented it " (Judg. 6 : 19). The tradition adds that the divine representative commanded him to lay the food upon a suitable rock in readiness for eating and to pour out the broth. After this had been done, the angel of Jehovah touched with his staff the food thus prepared, and a fire went up from the rock and consumed it. The ritual of the later Priestly codes directed that in every ordinary offering all the essential elements of a meal should be

provided. These included, in addition to the meat, cakes of meal, mixed with olive oil (the Oriental equivalent for butter and animal fats), and a measure of wine. Every meal-offering was also to be seasoned with salt (Lev. 11 : 13). In the ordinary sacrifices the priests, as the representatives of Jehovah, received a portion of all the different parts and the remainder was eaten by the offerer, his family and friends. The details of the ritual, as laid down in the laws and illustrated by the historical narratives (*e.g.* 1 S. 9) suggest that these sacrifices were regarded as sacrificial meals in which Jehovah was the host or chief guest. As is well known, among Semitic Orientals the act of eating together establishes a sacred covenant between the host and his guests. In the pre-Deuteronomic times every animal killed by the Israelites for food was apparently thus shared with Jehovah; while the blood sealed the covenant between the sacrificers and their god. Each event in their national, social, and domestic life was celebrated by a sacred meal. These were occasions of glad rejoicing. Religion was thus a source of constant happiness to the pre-exilic Hebrews, for they felt repeatedly assured of Jehovah's favor. It was the Indian summer of Israel's spiritual history. When the shadows of the exile deepened, the ceremonial service lost its joyous character, the feasts became fasts and the thank-offerings, guilt-offerings. Sacrifice was regarded more as a means of appeasing than of pleasing

Jehovah. While passing through the valley of death Israel's faith was broadened and intensified, but religion ceased to be a pure joy and became a duty.

Of the various forms of sacrifice, the holocaust or whole burnt-offering seems to have differed simply in degree from the ordinary sacrifice, in which only a portion of the animal was burnt and the rest was eaten by the offerer. Both may be traced back to the earliest periods of Israel's history; as also the cereal- or non-bloody sacrifice and the libation or drink-offering. Originally they were presented as independent offerings, but, as the theory of sacrifice developed, bloody offerings became the prevailing type and the cereal- and drink-offerings were employed simply as accompaniments.

Of the different kinds of sacrificial offerings, the peace-offerings were always, as regards form, ordinary sacrifices in which the offerer himself and his family consumed the major portion. They were the most common kinds of sacrifice in the earlier period of Israelitish history. Their aim was—as their name suggests—to establish a peaceful, harmonious, perfect relationship between Jehovah and those presenting them. Not by propitiation but by establishing a covenant was this end attained.

Guilt- or trespass-offerings were presented in reparation for wrongs done to the rights or property of another person or of Jehovah. In First Samuel 6 the Philistines bring to the God of Israel a guilt-offering that they may be de-

livered from the pestilence, which they consider he has sent upon them because they have captured his sacred ark. According to Second Kings 12 : 16, before the exile, guilt-offerings were fines paid in money at the sanctuary. Reparation for injury done is clearly the underlying idea even in the Priestly codes, where the offerer has no share in the sacrificial victim ; but all the parts not consumed on the altar go to the priests.

The sin-offerings were not intended to cover deliberate crimes. They simply anticipated unconscious infringements of the moral or ceremonial law, and aimed to restore the man who was thus defiled, although innocent of deliberate sin, to his normal relation to Jehovah and to the community. Originally the sin-offerings were also presented in money as a fine at the sanctuary (2 K. 12 : 16). Their practical effect was constantly to keep before the people the sanctity and authority of the law and the absolute necessity of conformity in every detail. It also afforded a definite assurance of divine favor to the man who faithfully endeavored to fulfil its demands.

The law regarding the red heifer aimed to provide a simple method, whereby, through the medium of sacrifice, minor cases of ceremonial uncleanness might be easily remedied. The lye produced by the mingling of the ashes of the sacrificial animal with water may also have been regarded symbolically as an effective purifying element.

1. *Animals Suitable for Sacrifice* (Dt. 15 : 21 ; 17 : 1 ; Lev. 1 : 2^{b}, 3 ; 22 : 19-29)

Deuteronomic Codes.

No animal having a physical defect of any kind shall be presented to Jehovah as a sacrifice. Perfect animals (Dt. 15 : 21 ; 17 : 1)

Priestly Codes.

(P^{h}) Only male animals without blemish from the herd or flock shall be sacrificed as burnt-offerings. Bullocks or lambs, however, having certain physical imperfections, may be brought as voluntary offerings, but not in the payment of a vow. No animal, which has been castrated or which has been recently in the possession of a foreigner, shall ever be offered to Jehovah. An animal must also be at least eight days old before it is suitable for sacrifice, and the mother and its young shall never be killed on the same day. Detailed specifications (Lev. 1 : 2^{b}, 3 ; 22 : 19-29)

2. *Different Forms of Offerings*

(1) *Ordinary Animal Sacrifice* [*Zĕbhăch*] (Ex. 10 : 24, 25 ; 18 : 12 ; Dt. 12 : 5, 6, 11, 12 ; Lev. 3 : 1-7)

Primitive Codes.

(J) It is recorded that Moses demanded of Pharaoh, while the Israelites were still in Egypt, that they be allowed to go forth into the wilderness to offer ordinary animal sacrifices and burnt-offerings to Jehovah. An early example (Ex. 10 : 24, 25 ; cf. 18 : 12

Deuteronomic Codes.

To be presented at the temple (Dt. 12 : 5, 6, 11, 12)

The Israelites shall bring all their animal sacrifices, together with their other offerings, to the central sanctuary and there present them to Jehovah.

Priestly Codes.

Manner of presenting an ordinary animal offering (Lev. 3 : 1-7)

(P^{h}) In offering an ordinary animal sacrifice, the man presenting it shall lay his hand upon the head of the beast and kill it before the sanctuary. The priests shall dash its blood upon the sides of the altar and burn thereon all the fat, for this portion shall be presented by the offerer as a whole burnt-offering to Jehovah.

(2) *The Holocaust* [Ôlâh] (Gen. 8 : 20; Ex. 20 : 24; Dt. 27 : 6; 12 : 5, 6, 11, 27^{a}; Lev. 1 : 3-13, 14-17; 6 : 8-13)

Primitive Codes.

An early example (Gen. 8 : 20)

(J^{s}) It is recorded that Noah on emerging from the ark offered burnt-offerings of every clean bird and beast.

Altars (Ex. 20 : 24; Dt. 27 : 6)

(J) On altars of earth or unhewn stones shall the Israelites offer their burnt-offerings.

Deuteronomic Codes.

At the temple (Dt. 12 : 5, 6, 11, 27$_{a}$)

To the central sanctuary shall the Israelites bring and sacrifice their burnt-offerings.

Priestly Codes.

(P^{t}) An animal from the herd or flock, presented as a burnt-offering, shall be brought to the sanctuary by the

offerer. Upon the head of the animal he shall lay his hand, as a symbol that it is a gift in his behalf to secure Jehovah's favor, and then he shall kill it. The priests shall dash its blood upon the sides of the great altar in front of the sanctuary, while the man flays and cuts the animal into pieces. Then the priests shall kindle a fire upon the altar and lay thereon the pieces, the head, the fat, and the inwards and legs, after they have been washed, and burn the whole that the savory smoke which ascends may win the divine approval.

Manner of offering animals (Lev. 1 : 3-13)

(Ps) If the burnt-offering consists of a bird the priest shall take it to the altar, pinch off its head with his fingers, and allow its blood to drain out on the side of the altar. The crop with its contents he shall throw with the other refuse to the east of the altar; the wings shall be disjointed, but not severed from the body, and the whole shall be burned upon the altar.

Manner of offering birds (Lev. 2 : 14-17)

(Pt) The daily burnt-offering in behalf of the community shall be left on the hearth of the altar to keep the fire thereon burning all night until the morning, for this sacred flame must never be allowed to die out. In the morning the priest in charge shall put on the linen garments to be worn in performing his duties and shall remove the ashes of the burnt-offering and place them beside the altar. Then, after exchanging his official for ordinary garments, he shall bear the ashes to a clean place outside the city. The priests shall also each morning place fresh wood

Special rules regarding the daily offering (Lev. 6 : 8-13)

upon the altar for the purpose of consuming the burnt-offerings and the fat of the peace-offerings.

(3) *Cereal-Offerings* (Ex 34 : 25a; 23 : 18a; Num 15 : 1-16; Lev. 2 : 2b-16; 6 : 19-23)

Primitive Codes.

With animal sacrifices (Ex. 34 : 25a; 23 : 18a)

(JE) Unleavened bread shall be presented to Jehovah with the blood of the ordinary animal sacrifices.

Priestly Codes.

With all animal sacrifices (Num. 15 : 1-16)

(P) Every burnt-offering or ordinary sacrifice shall be accompanied by a cereal-offering. If the animal is a lamb or a kid, it shall consist of three quarts of finely ground meal, mixed with one and one-third quarts of oil. Wine, equal in amount to the oil, shall also be provided as a drink-offering. With a ram, twice as much meal and a proportionately greater amount of oil and wine shall be used; while with a bullock, three times as much meal and three quarts of oil and wine are required. This law shall apply to all animals offered to Jehovah and must be observed alike by native Israelites and resident aliens.

Method of presentation (Lev. 2 : 2b-3; 6 : 14-18)

(Pt) In presenting a cereal-offering the priest shall take out a handful of the meal and oil and shall burn it upon the altar with the frankincense which shall be provided. This is presented to bring the offerer into remembrance before God. The remainder is especially sacred, and may be eaten only by the priests in the temple precincts.

(Ps) No cereal-offering, intended to be placed upon the altar, shall contain leaven or honey, for they embody the principle of fermentation and are therefore symbols of corruption. Cakes, containing leaven, may, however, at certain times[1] be presented to Jehovah; but they like the first-fruits shall never be offered upon the altar. Salt shall always be used to season the cereal-offerings and all other oblations laid before God. In offering the first-fruits of the grain in the ear, the kernels shall first be roasted and then pounded into a coarse meal, which shall be prepared and presented as an ordinary cereal-offering. Additional details (Lev. 2 : 4-16)

Each day the high-priest shall present a cereal-offering, consisting of three quarts of meal, mixed with oil in a baking-pan. One-half shall be offered in the morning and the other half in the evening. Like the whole burnt-offerings, it shall be entirely consumed by fire upon the altar, for it is a gift to Jehovah from the priest. The daily cereal-offering of the high priest (Lev. 6 : 19-23)

(4) *Drink-Offerings* (Gen. 28 : 18; 35 : 14; Num. 15 : 5, 7, 10; Lev. 23 : 13; Ex. 29 : 40-42)

Primitive Codes.

(JE) It is recorded that Jacob set up stones as sacred pillars, at the two different times, when Jehovah granted him special revelations at Bethel, and that he poured oil upon them as drink-offerings. Early examples (Gen. 28 : 18; 35 : 14)

[1] Cf. Lev. 7 : 13; 23 : 17; Am. 4 : 5.

Priestly Codes.

With all animal sacrifices (Num. 15 : 5, 7, 10; cf. Lev. 23 : 13 and Ex. 29 · 40-42, P^s)

(P) In connection with all animal sacrifices a drink-offering shall be provided, in addition to the cereal-offering. With a lamb or kid one and one-third quarts, with a ram two, and with a bullock two and two-thirds quarts of wine shall be offered.

(5) *Showbread* (Lev. 24 : 5-9)

Priestly Codes.

Preparation and renewal (Lev. 24 : 5-9)

(P) From finely ground meal the priests shall make twelve loaves of bread. Six and two-fifths quarts of meal shall be used for each loaf. These shall be arranged in two rows of six each and shall be covered with pure frankincense and placed upon a table, ceremonially clean, to remind Jehovah of the devotion of his people and of the intimate relations existing between him and them. The loaves shall be renewed each sabbath, and those which are taken away may be eaten by the priests in a place free from all ceremonial pollution.

(6) *Incense* (Ex. 30 : 7-9, 34-38)

Priestly Codes.

The daily offering of incense (Ex. 30 : 7-9, 34-38)

(P^s) Each morning and evening the high priest shall burn on the altar, specially prepared for the purpose, incense made of certain sweet spices, mixed with pure frankincense and seasoned with salt. The formula shall be sacred, and he who uses it for secular purposes shall be under the ban of Jehovah's displeasure.

3. *Different Kinds of Offerings.*

(1) *Peace-offerings* (Dt. 12 : 6, 17, 26; Lev. 22 : 21-25, 29, 30; 3 : 1-17; 7 : 11-21, 28-34; 19 : 5-8)

Deuteronomic Codes.

All offerings to be presented to Jehovah, including vows and voluntary gifts, shall be brought to the central sanctuary and there sacrificed and eaten by the offerers. Manner of presentation (Dt. 12 : 6, 17, 26)

Priestly Codes.

(P^h) In presenting a peace-offering, whether it be in discharge of a vow or as a voluntary gift, only animals free from blemishes shall be chosen. As a voluntary offering, however, but not for a vow, animals having physical defects may be presented. No animal purchased from a foreigner shall be offered to Jehovah, for it is ceremonially unclean. Suitable offerings (Lev. 22 : 21-25; cf. 3 : 1, 6)

(P^t) In sacrificing an animal—whether it be from the herd or from the flock—as a peace-offering, the offerer shall first lay his hand upon the head of the beast, as a sign that it is an offering from him to Jehovah; then he shall kill it before the sanctuary and the priest shall sprinkle the blood on the sides of the altar and burn the fat thereon as Jehovah's especial portion. Manner of presentation (Lev. 3 : 1-17)

If the sacrifice is intended to express the offerer's gratitude to Jehovah for some special favor in addition to the animal, unleavened loaves mixed with oil and wafers cov- Special provision with thanksgiving offering (Lev. 7 : 11-14)

ered with oil shall be provided. One of the cakes and one of the wafers in each sacrifice shall be specially presented to Jehovah and shall be eaten by the officiating priest.

Rules regarding the eating of peace-offerings (Lev. 7: 15-21; 22:29, 30; 19: 5-8)

In the case of the thanksgiving-offering all the flesh of the sacrifice must be consumed by the offerer and his guests before the dawn of the day following the sacrifice. In the case of the voluntary offerings or those made in discharge of a vow, it may be eaten on the day of the sacrifice or on the following, but what remains until the third day must be burned with fire. If any of the flesh is eaten on the third day it will invalidate the sacrifice, so that it must be offered over again, and the one thus eating shall become the object of Jehovah's judgment. All who are ceremonially clean may eat of the flesh of the peace-offering. If any one who is ceremonially unclean eats of it, Jehovah will punish his act by death.

Supplemental rules (Lev. 7: 28-34)

In sacrificing a peace-offering the offerer shall himself bring to the priest the fat which is to be burnt on the altar, and the right thigh and breast of each animal as the portion for the one who officiates.

(2) *Guilt-offerings* (Lev. 5 : 14-19; 6 : 1-7; Num. 5 : 5-8; Lev. 19 : 20-22; 7 : 17; Num. 18 : 9)

Priestly Codes.

(P^t) If a man unintentionally withholds any of the sacred dues or consciously defrauds or deceives another man, he

shall make full restitution, with the addition of one-fifth, to the priest, as Jehovah's representative, or to the man wronged. If the injured man is dead and has no kinsmen the restitution as above shall be made to the priest of Jehovah. In each case a ram shall also be presented that the guilty man may again win Jehovah's favor. If one is aware of having unconsciously done something contrary to the divine law, he also shall bring a ram as an offering that his guilt may be forgiven. If a man seduces a betrothed slave girl, he shall likewise present a guilt-offering.

Cases in which they are required (Lev. 5 : 14-19; 6 : 1-7 : Num. 5 : 5-8; Lev. 19 : 20-22)

Animals presented as guilt-offerings shall be killed and their blood dashed against the great altar. The fat shall be burned on the altar by the priest, and the rest of the animal shall go to him and must be eaten only by the priests and in a holy place, for it is most sacred.

The ritual of the guilt-offering (Lev. 7 : 1-7; Num. 18 : 9)

(3) *Sin-offerings* (Lev. 5 : 1-13; Num. 15 : 22-31; Lev. 4 : 1-35; 8 : 14, 15; 9 : 7-11; 10 : 16-20; 6 : 24-30)

Priestly Codes.

(P^t) If a man withholds evidence, when testifying in court, or swears a rash oath or without a knowledge of the facts involved, or if he unintentionally touches anything communicating ceremonial uncleanness, or if he in any other way unconsciously transgresses the law, he must confess his sin and bring to Jehovah a female lamb or goat as a sin-offering.

Private offences requiring sin-offerings (Lev. 5 : 1-6)

Resident aliens subject to same law (Num. 15: 27-31)

Resident aliens or native-born Israelites, unconsciously failing to comply with the commands of the law, may secure Jehovah's forgiveness by confessing their sin and by bringing a she-goat to him as an offering. But the man who deliberately defies the divine commands shall be destroyed by the Lord.

Ritual to be observed (Lev. 4: 27-35)

(P^{s}) In presenting a female lamb or goat as a sin-offering, the offerer shall lay his hand upon the head of the victim and then slay it when the burnt-offerings are sacrificed. Then the priest shall dip his finger in its blood and smear it upon the horns and pour out the rest at the base of the great altar. The fat shall be burned thereon. Thus the offerer shall secure divine forgiveness for his failure to obey the demands of the law.

The form of a poor man's sin-offering (Lev. 5: 7-13)

(P^{t}) If the offerer cannot afford to bring a lamb or a goat he may bring two turtledoves or young pigeons. One the priest shall present as a sin-offering and the other as a burnt-offering. If the sacrificer cannot afford to bring even birds, he may present an offering consisting of three quarts of finely ground flour, but he shall not put on the usual oil or frankincense. A part the priest shall burn on the altar and the rest he shall take as his portion. The offerer shall thus secure full forgiveness for his unconscious failure to obey the law.

Offences of the community (Num. 15: 22-26)

If the community unconsciously fails to observe all the commands of Jehovah, it also shall present a bullock for a burnt-offering and a he-goat for a sin-offering.

(Ps) If it unconsciously does something forbidden in the law, and later the sin is discovered, a young bullock shall be provided as a sin-offering. Upon its head all the elders, who represent the community, shall place their hands. Then the victim shall be killed and a part of its blood shall be sprinkled by the priest seven times before the veil of the inner room of the sanctuary and upon the horns of the altar of incense. The rest of the blood he shall pour out at the base of the altar of burnt-offering and upon this he shall burn the fat. The carcass of the bullock shall he burn outside the sacred precincts. Thus shall the community be restored to the normal relation with Jehovah.

Later ritual for the sins of the community (Lev. 4 : 13-21)

Similarly, if a ruler unconsciously transgresses the law, he shall provide a he-goat which shall be offered in his behalf.

Sin of a ruler (Lev. 4 : 22-26)

The high priest, who thus unconsciously sins, shall offer for himself a young bullock, following the same ritual as in the case of the sin-offering in behalf of the community.

Sin of a high priest (Lev. 4 : 1-12)

In the consecration of priests to their sacred office a bullock shall be sacrificed as a sin-offering. After the priests have placed their hands upon the head of the victim, a portion of its blood shall be smeared upon the horns of the altar and the rest poured out at the base. After the fat has been offered to Jehovah, the rest of the animal shall be burned outside the temple precincts.

In the consecration of priests (Lev. 8 : 14, 15 ; 9 : 7-11)

(Pt) Like other sacrificial food, which is designated as most holy, the portions of the sin-offerings which fall to the priests shall be eaten only by them and within the

Disposal of the ordinary sin-offerings (Lev. 6 : 24-30 ; 10 : 16-20)

sacred precincts of the temple. Any blood, which spatters from it upon a garment, shall also be washed off within the limits of the temple. Earthen vessels in which the meat is cooked shall afterward be broken, and brazen vessels thoroughly scoured and then rinsed lest the contagion of holiness be imparted.

(4) *The Yearly Sin-Offering in Behalf of the Nation* (Lev. 16 : 1-28)

Priestly Codes.

The ritual of cleansing for the people and sanctuary (Lev. 16 : 1-28)

(P) Clad in the insignia of his office and freshly bathed, the high priest shall appear each year at the entrance of the sanctuary with two he-goats as a sin-offering in behalf of the people and with a ram as a burnt-offering. One of the two goats shall be selected by lot. Upon its head he shall lay his hands and confess the sins of the people of Israel. Then it shall be sent away into the wilderness as an offering to the evil spirit Azazel [1] which dwells there; while the other goat shall be offered as a sin-offering to Jehovah. The blood of the goat he shall sprinkle upon the top of the ark and upon the space in front of it to secure Jehovah's forgiveness and favor for the nation. Blood from the goat shall also be sprinkled upon the great altar to symbolize its ceremonial cleansing

[1] For the current Jewish belief in this fallen angel, who was conceived of as the leader of those who formed unions with the daughters of men (Gen. 6 : 1-4) and who was as a punishment bound fast to the rocks in the wilderness, cf. Enoch 6 : 1, 2; 7 : 1-5; 9 : 6, 8-11; 10 : 4, 5.

and also that of the entire sanctuary. The fat of the goat offered to Jehovah shall be burned upon the altar and its carcass burned outside the temple precincts. In addition the high priest shall offer a bullock as a sin-offering in behalf of himself and his fellow priests.

(5) *The Red Heifer* (Num. 19 : 1-22; 31 : 21-24)

Priestly Codes.

Rites to be observed in preparing the water for purification (cf. above)

(P[t]) To prepare sacred water for the cleansing of those who have been rendered ceremonially unclean by contact with the dead or with the spoils of war taken from the heathen, the high priest shall sacrifice a red heifer, which is free from all physical defects and has never been broken to the yoke. Outside the precincts of the sanctuary he shall slay it and then with his finger sprinkle its blood seven times in front of the sanctuary. Then the carcass of the animal shall be burned in the presence of the high priest. Cedar wood, hyssop, and scarlet shall be thrown into the burning pile. Another man, ceremonially clean, shall gather up the ashes, which remain after the offering has been consumed, and shall store them in a clean place that they may be used in making the purifying water. The high priest, the man who attended to the burning of the heifer and the one who gathered the ashes, shall wash themselves and their clothes and be ceremonially unclean until sunset.

(6) *Leprosy-Offerings* (Lev. 14 : 2-52)

Priestly Codes.

Special ritual of purification (cf. above)

(P^t) In the case of recovery from diseases resembling leprosy, afflicting either persons or houses, special offerings shall be presented and a distinct ritual observed in accordance with the laws of ceremonial purification.[1]

(7) *Jealousy-Offerings* (Num. 5 : 11-31)

Priestly Codes.

The offering accompanying a test of marital fidelity (cf. above)

(P^t) When a man makes a charge of infidelity against his wife, he shall bring her to the priest with an offering consisting of three quarts of barley meal—no oil or frankincense shall be used with it. While undergoing the ordeal[2] intended to demonstrate her guilt or innocence, she shall bear the cereal-offering in her hands and at its close the priest shall burn a portion of the meal on the altar.

(8) *The Daily Sacrifice* (Num. 28 : 1-8; Ex. 29 : 38-42; 30 : 7, 8)

Priestly Codes.

Two lambs (Num. 28 : 1-8; Ex. 29 : 38-42)

(P^s) Each day two lambs, one in the morning and another in the evening, shall be sacrificed to Jehovah as burnt-offerings, with the proper accompanying cereal- and drink-offerings.

On the altar of incense within the sanctuary, when the high

[1] Cf. p. 307. [2] Cf. p. 117.

priest lights the lamps at evening, he shall burn each day sweet incense prepared according to the formula laid down in the law.[1] Daily incense (Ex. 30: 7, 8)

X

THE PRE-EXILIC SACRED CALENDAR

Among all Semitic peoples feasts constituted the most prominent element in their national religious life. As their religion developed, feasts were multiplied and the ritual became more elaborate. In general they conserved three important ends. In the first place they satisfied the social and convivial needs of the people. In their earliest form they were occasions of glad merrymaking, when the members of the local communities or tribe gathered together for feasting and social intercourse. Music and song were frequent accompaniments (Am. 5 : 23). In Deuteronomy, "To rejoice before Jehovah" is the ordinary idiom describing a feast. In the second place they established definite times when the people brought their gifts and paid homage to their God and thus were reassured of his continued favor. Finally, in worshipping a common God and in feasting together all members of the community, tribe or nation were united by the strongest bond known to the ancient Semitic world.

Naturally, as their manner of life and ideals changed,

[1] Cf. Ex. 30 : 34-38.

the character and ritual of the feasts were transformed. In their origin those of the Israelites appear to have been inheritances from the Semitic past. The later meanings, which were given them, and the forms of their observance alone reflects the peculiar genius of the people of Jehovah. The transformations have in some cases been so radical that it is difficult to trace with assurance the origin of the feasts. The ritual is frequently a composite of elements coming from different ages and with originally distinct associations. Our Christmas, with its composite Roman, Teutonic and Christian elements, presents a striking modern illustration. The most prominent rite in the oldest tradition regarding the passover (Ex. 12) is the sprinkling of the blood of the sacrificial lamb upon the door-posts, as a protection against the Destroyer who brought death to the first-born of the Egyptians, since they were not thus protected. The custom of thus placating by animal sacrifice gods or spirits, who might otherwise demand a human life, is very old and has persisted among Oriental Semites until the present. There are also indications which suggest that the passover was originally distinct from the feast of unleavened bread, with which it is closely associated in the later codes, and that it corresponded to the spring festival among the ancient Semites. Such passages as Exodus 5 : 1-3; 7 : 16 and 10 : 24-26 preserve dim memories of this pre-Mosaic feast. Even in its later form it is still a pastoral rather

than an agricultural festival. It was apparently observed in the spring-time because then the god (or goddess) of fertility presented to the worshippers that abundance of natural gifts in gratitude for which they brought as an appropriate offering a young lamb or kid.[1] A distinctive note in the passover feast throughout all Israelitish history, even as in the ritual which is repeated by every orthodox Jew to-day, has been thanksgiving to God for his abounding goodness.

The feast of tabernacles came at the time of glad rejoicing when the Arabs resort to the oases to gather their supply of dates for the year. Although this feast in its Old Testament form is distinctively an agricultural festival, it may well, like the passover, have been brought by the Hebrews from their primitive desert home. Their third great annual festival, the feast of weeks or harvest, is so manifestly agricultural that the probability is strong that it was taken by them directly from the Canaanites, who taught the newcomers many arts beside those of tilling the land. The influence of the Canaanites was doubtless also potent in shaping the new usages later observed in connection with each of the feasts, for their customs were all established while those of their conquerors were in the making.

The historical books contain references to certain primi-

[1] For a vivid description of the earliest form of this feast, cf. Barton, *Semitic Origins*, pp. 110, 111.

tive feasts, not mentioned in the laws, which were observed in the earlier days, but later fell into disuse. Thus in southern Judah the feast of sheep-shearing was a prominent event in the calendar (1 S. 25 : 2, 11, 36; 2 S. 13 : 23-28), even as it was in southern California under Spanish rule. East of the Jordan the maidens of Israel celebrated a feast associated by tradition with Jephthah's ill-fated daughter. Although not recognized in the pre-exilic codes, the feast of the new moon appears to have originally enjoyed equal and even greater prominence than the sabbath. From an incidental reference in Second Kings 4 : 23 it may be inferred that the people were wont to resort to the prophets on the new moons and sabbaths for counsel. They were both observed as days of rest (Am. 8 : 5). On the new moon it was customary to make extra sacrifices (1 S. 20 : 5, 6, 29; 1 Chr. 23 : 31). In Isaiah 1 : 14 the new moons are classified with the appointed feasts. All were occasions of rejoicing (Hos. 2 : 11). From the references in First Samuel 20 : 5, 6 and 29 it may be inferred that it was pre-eminently a festival at which families and clans assembled. It would therefore tend to keep alive ancient traditions and usages and to emphasize religious decentralization. Therein is found the most probable explanation of why this important and firmly established institution is completely ignored in the existing versions of the pre-exilic and receives only passing notice in the Priestly codes.

Both the sabbath and the new moon, like most of Israel's institutions, are not without analogies among earlier Semitic peoples. The custom of prohibiting specific acts on certain days is widely diffused and goes far back before the beginnings of human history. In an old Babylonian calendar the king is commanded not to eat food prepared by fire, not to ride in his chariot, not to hold court and perform other duties on the seventh, fourteenth, nineteenth, twenty-first and twenty-eighth days of the month. In an ancient Assyrian lexicon the sabbath is defined as the "day of rest for the soul,"[1] that is a day when the anger of the gods can best be pacified. Although no exact parallels to the Hebrew sabbath have yet been discovered, these indications suggest that its origin is to be found in Babylonia. The Israelites, however, first raised it from the plane of superstition and made it an invaluable aid to man's spiritual development.[2]

1. *Passover* (Ex. 34 : 25b; 23 : 18b; 12 : 21-23, 25-27a; Dt. 16 : 1, 2, 4b-7)

Primitive Codes.

(JE) All portions of the animals slain on the evening of the passover feast shall be consumed before daybreak on the following day. Disposal of the paschal lamb (Ex. 34 : 25b; 23 : 18b; cf. Dt. 16 : 4b)

[1] *um nûh libbi.*, II. Raw. 32, 1. 16.

[2] For a study of the historical development of the content of the sabbath, cf. pp. 77, 78.

One traditional origin of the passover (Ex. 12: 21-23, 25-27a)

Tradition declares that, when the Pharaoh of Egypt had repeatedly broken his promise to allow the Israelites to depart, Moses commanded them to take and kill in each of their families the passover lamb. With a bunch of hyssop they were then to sprinkle its blood upon the top and sides of their doors, that they might be delivered from the death-dealing judgment which Jehovah was about to visit upon the first-born of every Egyptian family. They were furthermore directed to observe this ceremony, when they arrived in the land of Canaan, and to explain to their children that the passover rite was to commemorate the fact that Jehovah passed over their households when he smote the Egyptians.

Deuteronomic Codes.

Time, place and manner of observing it (Dt. 16: 1, 2, 4b-7)

In April the Israelites shall celebrate the passover by sacrificing at the central sanctuary a lamb or bullock in commemoration of Jehovah's deliverance of their ancestors from the bondage of Egypt. No family shall observe the passover at home but only in the sacred temple precincts. There at sunset they shall kill the sacrificial victim and eat its flesh, after it has been cooked ; [1] and then the next morning they may return to their homes.

[1] Literally *boiled*. In the later code (P) of Ex. 12 : 9 boiling is definitely forbidden.

2. *Sabbath* (Ex. 34 : 21 ; 23 : 12 ; 20 : 8-11 ; 16 : 22-30; Dt. 5 : 12-15)

Primitive and Deuteronomic Codes.

On the seventh day every Israelite with his household shall abstain from all labor. The aim of this institution is that all members of the community may be rested and refreshed after the toil of the six preceding days.

The seventh day of rest (cf. above)

3. *The Three Annual Harvest Festivals* (Ex. 34 : 23 ; 23 : 14, 17 ; Dt. 16 : 16, 17)

Primitive Codes.

(JE) On the occasion of each of the three great annual festivals every male Israelite shall resort to some one of the sacred places, where Jehovah has in the past especially revealed himself, there to pay homage to his divine King.

To be celebrated at the sacred shrine (Ex. 34 : 23 ; 23 : 14, 17)

Deuteronomic Codes.

To the central sanctuary at Jerusalem shall every male Israelite bring in connection with the feasts of unleavened bread, weeks, and tabernacles such offerings as he is individually able.

At the central sanctuary (Dt. 16 : 16, 17)

(1) *Feast of Unleavened Bread* (Ex. 34 : 18; 23 : 15; 13 : 3-10; Dt. 16 : 3, 4, 8)

Primitive and Deuteronomic Codes.

To continue a week during the month of April (cf. above)

For seven consecutive days each year the Israelites shall celebrate in their homes the feast of unleavened bread by abstaining from all food containing leaven. This feast shall be observed during the month of April (Abib-Nisan) in commemoration of the fact that in this month Jehovah delivered their nation from the bondage of Egypt.

(2) *Feast of Weeks or Harvest* (Ex. 34 : 22a; 23 : 16a; Dt. 16 : 9-11)

Primitive Codes.

At end of harvest (Ex. 34 : 22a; 23 : 16a)

(JE) Each year the Israelites shall celebrate the feast of weeks, when they reap their grain, presenting to Jehovah the first-fruits of their fields.

Deuteronomic Codes.

Seven weeks after beginning of grain harvest (Dt. 16 : 9-11)

Seven weeks after the beginning of the grain harvest the Israelites shall bring to the central sanctuary their voluntary offerings, proportionate to the prosperity which they have enjoyed, and there celebrate the feast of weeks with rejoicing, sharing their offerings with their family and the dependent members of the community.

(3) *Feast of Ingathering or Tabernacles* (Ex. 34 : 22b; 23 : 16b; Dt. 16 : 13-15)

Primitive Codes.

(JE) At the end of the year when its labors are completed the Israelites shall observe the feast of ingathering. Harvest-home (Ex. 34 : 22b; 23 : 16b)

Deuteronomic Codes.

A week after the grain has all been threshed and the wine pressed and stored away, the Israelites shall celebrate for a week at the central sanctuary the feast of tabernacles or ingathering. A week of glad rejoicing at the temple (Dt. 16 : 13-15)

4. *Sabbatical Year* (Ex. 23 : 10, 11; Dt. 15 : 1-6; 31 : 10-13)

Primitive Codes.

(E) On the seventh year the ground shall not be tilled, but allowed to lie fallow and everything which it produces naturally shall be shared in common by all members of the community. Communal sharing of natural products (Ex. 23 : 10, 11)

Deuteronomic

On the seventh year no debts may be collected nor interest charged for loans, if the debtor be a Hebrew, for on that year he has no source of income with which to pay. Prosperity in all their relations shall be the reward which Jehovah will give to his people if they faithfully observe this law. Temporary remission of financial obligations (Dt. 15 : 1-6)

Public reading of the law (31 : 10-13)

When all the people, including children and resident aliens, are assembled at the feast of tabernacles on the seventh year of release, the Deuteronomic code shall be publicly read before them that everyone may become acquainted with its enactments and thus be able to conform to the will of Jehovah.

XI

THE SACRED CALENDAR OF THE POST-EXILIC HIERARCHY

The tendency of post-exilic Judaism toward greater ceremonialism finds its supreme illustration in the laws relating to the religious feasts. Four of the nine sacred seasons of the Jewish calendar are mentioned for the first time in the Priestly codes. The tendency to multiply feasts did not cease with the close of the Old Testament canon. During the Maccabean period five more festivals were added, of which the more important were : the feast of Purim, the feast of Dedication, commemorating the reconsecration of the temple after its desecration by Antiochus Epiphanes, and the feast of Nicanor in memory of the first great victory of Judas.

The transference of the feasts to the temple, which began with the institution of the Deuteronomic law, in-

evitably and fundamentally changed their character. They at once lost their local and personal features. Hitherto they had been closely associated with the different stages of the harvest. Naturally these varied from year to year and in different localities. In the earlier codes the date of each feast is left indeterminate; but in the Priestly codes the exact day is fixed in each case so that all the nation must celebrate it at the same time. This arrangement, of course, was more practicable in the post-exilic period, when Israel's territory was limited to little Judah. This removal of the feasts from their originally close connection with the different stages of the harvest and from the local setting tended to obscure their distinctive characteristics and original significance. Nearly the same ceremonies came to be observed at each. As their real origin was forgotten the festivals were associated more and more with the great national events in Israel's history.

Undoubtedly in this way many ancient heathen elements were eliminated and the distinctively religious side of the feasts emphasized, so that there was a great and positive gain; but for the individual worshippers they lost much of their personal and joyous interest. In the earlier days the head of the family or clan at home or at a time-honored local shrine offered for the limited group those sacrifices which established with Jehovah a personal and peace-giving relationship. Under the new *régime* the priests at Jerusalem made appropriate offerings in behalf

of the whole nation. Also, as the shadows of the exile deepened, the sense of sin was intensified, so that Israel's feasts became fasts, and the thank-offerings were changed to guilt-offerings. Religion lost its happy, careless character and became an intense struggle for righteousness, as defined by the law. There is no evidence that a detailed ritual of guilt- and sin-offerings existed before the exile; but the Priestly codes present it in fully developed form. These figure prominently in the services to be observed on each of the great feast days. The tendency reaches its culmination in the feast of the day of atonement, which appears to have been first instituted during or after the days of Nehemiah, since the Jewish community, described in Nehemiah 8, knows nothing of it. The spirit of Judaism is revealed by the fact that this day of national confession and atoning sacrifice was soon regarded as in many ways the most important event in the calendar.

1. *New Moon* (Num. 28 : 11-15)

Priestly Codes.

Regular offerings (Num. 28: 11-15)

(Ps) On the first day of each lunar month the following offerings shall be presented at the temple to Jehovah: (1) a burnt-offering, consisting of two young bullocks, one ram and seven male lambs, under a year old and without physical defects, together with the usual cereal- and drink-offerings; (2) a goat for a sin-offering.

2. *Sabbath* (Lev. 19 : 3b, 30; 26 : 2; Ex. 35 : 1-3; 31 : 12-17; Gen. 2 : 2, 3; Lev. 23 : 3; Ex. 16 : 11-31; Num. 15 : 32-36; 28 : 9, 10)

Priestly Codes.

(Ph) Let every Israelite carefully guard the sabbath from all desecration, even as he does the temple of Jehovah.[1] To be kept holy (Lev. 19 : 3b, 30; 26 : 2)

(P) The seventh day of the week is consecrated to Jehovah as a symbol of the sacred covenant between him and his people; for at the creation of the universe the Divine himself set the example for man. Therefore all Israelites are under solemn obligation to abstain from all labor on that day. Even the kindling of a fire is forbidden. Any one who disregards this law shall be subject to the death penalty. All work prohibited under penalty of death (Ex. 35 : 1-3; 31 : 12-17; Gen. 2 : 2, 3; Lev. 23 : 3)

(Ps) The tradition is preserved that during the wilderness wandering Jehovah provided for the Israelites on the sixth day a double portion of food and none on the following, thus teaching them to abstain from all labor on the seventh day. A man discovered gathering fuel on the sabbath was, at the divine command, stoned to death by the assembled people. Traditional precedents (Ex. 16 : 11-31; Num. 15 : 32-36)

In addition to the ordinary daily sacrifice two young male lambs, with the appropriate cereal- and drink-offerings shall be presented on each sabbath to Jehovah. Special sabbath offering (Num. 28 : 9, 10)

[1] It is significant that the duties of keeping the sabbath and of reverencing Jehovah's sanctuary are repeatedly associated together.

3. *Feast of Passover and Unleavened Bread* (Lev. 23 : 5 ; Ex. 12 : 1-14, 43-50 ; Num. 9 : 1-14 ; Lev. 23 : 6-8 ; Num. 28 : 16-25 ; Ex. 12 : 15-20)

Priestly Codes.

Date (Lev. 23 : 5)

(P) On the evening of the fourteenth day of the first month (in March-April) the feast of the passover shall be celebrated.

Manner of celebrating the passover feast (Ex. 12 : 1-14, 46)

A young male lamb or goat without physical defect shall be provided for each household or group of families. This shall be killed on the evening of the passover, but none of its bones shall be broken. Its flesh shall be roasted and eaten on the same night by those assembled. None of the sacrificial meat shall be carried out of the house where it is prepared. Unleavened bread and bitter herbs shall be eaten with it. Portions of the lamb which remain until the following morning shall be burnt. All participating in the feast shall be clad in readiness for a journey, with girdle tightened, sandals on and staff in hand, and shall eat it hastily in commemoration of the deliverance of the Israelites from the land of Egypt.

Those eligible (Ex. 12 : 43-45, 47-50)

No foreigner nor an alien employed by the Israelites shall be allowed to participate in the passover meal ; but all circumcised, household slaves, owned by Jews, and resident aliens may participate.

(Ps) All who are debarred from sharing in the feast on the first month, because ceremonially unclean or absent from the

land, shall celebrate it on the corresponding fourteenth day of the second month. Any one, who is eligible, and yet neglects to observe the passover feast, is guilty and shall be the object of Jehovah's judgment. All under obligation to observe it (Num. 9 : 1-14)

(P) The feast of unleavened bread shall begin on the day following the passover meal and shall continue for a week, during which period the Israelites shall eat no leavened bread. All leaven shall be put out of their houses and any one eating food containing leaven shall be subject to Jehovah's judgment. On the first and seventh days the people shall assemble together for worship and shall abstain from all ordinary labor. During each day of the feast a burnt-offering shall be sacrificed, consisting of two young bullocks, one ram and seven young male lambs, with the accompanying cereal-offering and one goat as a sin-offering to insure Jehovah's favor. Manner of celebrating the feast of unleavened bread (Lev. 23 : 6-8 ; Num. 28 : 16-25 ; Ex. 12 : 15-20)

4. *Feast of Weeks or First-fruits* (Lev. 23 : 10b-21 ; Num. 28 : 26-31)

Priestly Codes.

Fifty days after the presentation of the first sheaf of the harvest at the temple, shall be celebrated the feast of weeks (or first-fruits). Each Israelite shall bring to the priests two loaves, made with leaven, from the first grain reaped in the harvest, and two male lambs as a peace-offering. These the priest shall present to Jehovah. Also at this time the people shall assemble for the worship of Jeho- Date and manner of celebration (cf. above)

vah and shall abstain from all labor. In behalf of the nation two young bullocks, one ram and seven young lambs shall be offered as a burnt-offering, with the usual cereal-offering; and one goat to insure Jehovah's forgiveness for any unconscious infringement of the ceremonial law.

5. *Feast of Trumpets—New Year's Day* (Lev. 23 : 23-25 ; Num. 29 : 1-6)

Priestly Codes.

Date and manner of celebration (cf. above)

On the first day of the seventh month (Sept.–Oct.), which is the first of the sacred year, the people shall refrain from all labor and shall assemble to inaugurate the new year with the blowing of trumpets. Also in behalf of the nation a special burnt-offering, similar to that offered during the feasts of unleavened bread and of weeks, shall be presented at the temple.

6. *Day of Atonement* (Lev. 16 : 1-34 ; 23 : 26-32 ; Ex. 30 : 10 ; Num. 29 : 7-11)

Priestly Codes.

Precautions to be observed by the high priest (Lev. 16 : 1-4, 6, 12, 13)

(P) Even the high priest shall not be allowed to enter the innermost shrine of the sanctuary, except on special occasions and only after observing certain rites. He must first offer a young bullock for a sin-offering and a ram for a burnt-offering to insure his ceremonial cleanliness. Then he shall bathe thoroughly with water and put on the linen garments, which are the insignia of his

office.[1] After having presented the sin-offering to insure Jehovah's favor toward himself and his household, he may enter the inner sanctuary bearing in his hands a censer upon which sweet incense shall be burning that its smoke may envelope the ark, the symbol of Jehovah's presence, upon which no mortal can look and live.

Observance of the day of atonement (Lev. 16: 29-34; 23: 26-32; Ex. 30: 10)

The tenth day of the seventh month (Sept.-Oct.) shall be observed by all Israelites as a day of fasting and penitence. No Israelite or resident alien shall do any work on that day under penalty of divine judgment. The high priest, clad in the insignia of his office, shall by means of the proper sacrifices thoroughly purify the sanctuary and people that no sins, known or unknown, may invalidate the religious service of the nation and alienate Jehovah's favor.

Its detailed ritual (Lev. 16: 5, 7-11, 14-28; Num. 29: 7-11)

To this end he shall take two goats, provided by the people, as a sin-offering, and a ram for a burnt-offering. The bullock he shall offer for the purification of himself and his associates in the priestly office. The blood of the bullock he shall sprinkle with his finger upon the front and upon the space before the ark. One of the goats he shall select by lot and sacrifice for the purification of the people and the sanctuary, sprinkling its blood in the same

[1] Lev. 16 evidently contains two originally independent sections, the one specifying the rites to be observed whenever the high priest enters the inner sanctuary; the other the law of the day of atonement. They are here combined because in P the high priest was supposed to enter the inner sanctuary upon the day of atonement.

manner before the ark. He shall also, to symbolize its cleansing, sprinkle the mingled blood of both the sacrificial animals upon the horns of the great altar. Upon the head of the other goat he shall then lay both his hands, confessing at the same time the sins of the people. After he has thus symbolically transferred to it the guilt of the nation, he shall send it forth in the wilderness to the evil spirit Azazel. The man who sets loose this goat shall be ceremonially unclean until he has washed his clothes and bathed. After entering the inner sanctuary the high priest shall take off his linen robes and likewise bathe. Then he shall put on his ordinary priestly garments and offer the burnt-offerings in his own behalf and in behalf of the people, and shall burn on the altar the fat of the sin-offerings. What then remains from these shall be consumed with fire outside the city, for it is holy and must not be devoted to ordinary uses.

7. *Feast of Tabernacles* (Lev. 23 : 39-44, 33-36; Num. 29 : 12-38)

Priestly Codes.

The people's part in the celebration of the feast (Lev. 23 : 39-44, 33-36)

(Ph) On the fifteenth day of the seventh month (Sept.-Oct.), after the harvest is completed, the Israelites shall celebrate for seven days the feast of tabernacles (or booths). On the first and eighth days no secular work shall be done. On the first day they shall gather fruit, and the branches of palm trees and of other trees of

thick foliage with which to build booths. In these they with their families shall dwell during the entire week of the joyful feast in commemoration of Jehovah's deliverance of their ancestors from the bondage of Egypt.

Ritual to be observed during each day of the feast (Num. 29 : 12-38)

(Ps) On the first day thirteen young bullocks, two rams and fourteen male lambs without physical defects, shall be sacrificed with the appropriate cereal-offering, as a holocaust to Jehovah. Also a goat for a sin-offering. These shall be in addition to the usual daily sacrifice. On each of the six succeeding days one lean bullock shall be sacrificed, but the same number of rams and lambs, with the cereal- and drink-offerings; likewise the goat for a sin-offering. On the eighth day the people shall gather together for worship, and one bullock, one ram, and seven male lambs with their cereal- and drink-offerings shall be sacrificed as a holocaust, and a goat for a sin-offering.

8. *The Sabbatical Year* (Lev. 25 : 1-7, 20-22; 26 : 27-35, 43)

Priestly Codes.

No sowing and all to share the natural products of the soil (Lev. 25 : 1-7, 20-22)

(Ph) Six years shall the ground be cultivated, but on the seventh the Israelites shall neither sow nor reap as hitherto; but all members of the community shall share alike the natural products of the soil. To meet the needs of the seventh and eighth years, Jehovah will also cause the soil to produce on the eighth three times the usual amount.

Famine, desolation, conquest, and captivity will be vis-

Penalty for disobeying this law (Lev. 26: 27-35, 43)

ited upon the Israelites by Jehovah, so that the land perforce will enjoy perfect rest, if they do not observe this command.

9. *The Year of Jubilee* (Lev. 25 : 8-19, 23-34, 39-42, 47-55)

Priestly Codes.

Rest, liberty and restoration of ancestral possessions (cf. above)

(Ph) Every fiftieth year shall be observed as a year of perfect rest. There shall be no sowing nor even gathering of the natural products of the field and vine. On the day of atonement trumpets shall be blown throughout all Israel announcing the liberation of all Israelitish slaves and the restoration to its original owners or legal heirs of all hereditary property (except houses of laymen located in walled cities).

APPENDIX

APPENDIX

BOOKS OF REFERENCE

The literature in English on the sources of the Old Testament laws is voluminous and satisfactory. For a detailed classification of the biblical material as it is ordinarily assigned to the different documents, with a brief statement of the important reasons for each assignment, Addis's "Documents of the Hexateuch" (vol. ii, 1898), and especially "The Hexateuch" (2 vols., 1900), edited by Carpenter and Harford-Battersby, are of the greatest service. In the latter a system is employed whereby it is possible at once to find any passage and to determine at a glance the source from which it was derived. The work represents the combined labors of a group of critical English scholars and is the best extant compendium of the results of modern hexateuchal criticism. The first volume also contains an exhaustive history of this important department of biblical investigation. Without reproducing the text, Driver's "Introduction to the Literature of the Old Testament" (9th edition, 1901), and Briggs' "Higher Criticism of the Hexateuch" present the evidence and conclusions regarding the critical analysis of the laws. For a briefer and more popular presentation the "Biblical Introduction" by Bennett and Adeney (1899), Kautzsch's "Literature of the

Old Testament" (1899), W. Robertson Smith's "Old Testament in the Jewish Church" (1892), or the article "Hexateuch" in Hastings' "Dictionary of the Bible" or the "Encyclopædia Biblica," edited by Cheyne, are exceedingly valuable and suggestive.

With one exception there are few recent and satisfactory commentaries in English on the legal books. The exception is Driver's "Deuteronomy" (1895, in the "International Critical Commentary"), which meets in full measure all reasonable demands. It also contains a large amount of important archæological material. It is sincerely to be hoped that the volumes in the same series on Exodus, Leviticus and Numbers will prove equally good, for they are greatly needed. The brief comments in "Leviticus" by Driver and White (1899, in "Polychrome Bible") are valuable. Kalisch's "Commentary on Leviticus" is still useful. The articles "Exodus," "Leviticus," "Numbers" and "Deuteronomy" in the two new Bible dictionaries already cited may be read with profit.

The historical background of the laws may be traced in Kittel's "History of the Hebrews" (2 vols., 1892), Kent's "History of the Hebrew People" (2 vols. 1897), and "History of the Jewish People" (1899), and in the article "Israel" in the Bible dictionaries. The broader political horizon can be studied in Goodspeed's "History of the Babylonians and Assyrians" (1902) in McCurdy's "History, Prophecy and the Monuments" (3 vols., 1894–1901), in Jastrow's "Religion of Babylonia and Assyria" (1898), and in the dictionary articles,

"Assyria," "Babylonia," "Egypt," "Canaanite," and "Phœnicia." A fresh treatment of the history of Israel's religion is found in Budde's "Religion of Israel to the Exile" (1899), and Cheyne's "Jewish Religious Ideas after the Exile" (1898), and Duff's "Ethics and Religion of the Hebrews" (1902).

The general subject of Israelitish law is suggestively treated in W. Robertson Smith's "Old Testament in the Jewish Church" (*in loco*), in Sanday's "Bampton Lectures" (1893), Lecture IV., in the article "Origin and Growth of Israelitish Law" by Kent and Sanders in "Contributions to Biblical Science by the Department of Biblical Literature of Yale University" (1901), in the article "Law" (by Driver) in Hastings' "Dictionary of the Bible" and "Law Literature" (by Gray) in "Encyclopædia Biblica."

The results of the labors of the great pioneer in the study of Semitic institutions, W. Robertson Smith, are found in his "Kinship and Marriage in Early Arabia" (1885) and in his monumental work, "Religion of the Semites" (2d edition, 1894). Professor Barton in his recent "Sketch of Semitic Origins" (1902) has collected many interesting data and made some valuable suggestions regarding the origin and history of Israel's institutions. In his "Primitive Semitic Religion Today" (1902), Professor S. I. Curtis puts in accessible and attractive form the results of his recent gleanings in biblical lands. The field represented by these books still presents an imposing array of doubtful or unanswered questions; but it is safe to predict that the next few decades will witness

marked progress toward the definite solution of many of them. The latest conclusions and theories are to be found in the two new Bible dictionaries, especially in the articles, "Ark," "Azazel," "Clean and Unclean," "Feasts," "Food," "Levites," "Magic," "Molech," "Nazirite," "Priest," "Sabbath," and "War."

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